



An  
Bord  
Pleanála

## Board Order ABP-318415-23

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Roscommon County Council**

**Planning Register Reference Number: PD/23/240**

**Appeal** by Oliver Grenham of Moore South, Ballydangan, Athlone, County Roscommon against the decision made on the 19<sup>th</sup> day of October, 2023 by Roscommon County Council to grant subject to conditions a permission to David Cunningham and Deborah Cruise care of Emma Pillion Planning of Fardrum, Athlone, County Westmeath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a dwellinghouse, domestic garage and treatment system with percolation area and associated site works, all at Moore South, Ballydangan, Athlone, County Roscommon as amended by the revised public notice received by the planning authority on the 22<sup>nd</sup> day of September, 2023.

### Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the provisions of the Roscommon County Development Plan 2022 - 2028, to the location of the site in an area identified in the Plan as a Remaining Rural Area and not under urban influence, to the prevailing pattern and character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 29<sup>th</sup> day of August, 2023 and the 22<sup>nd</sup> day of September, 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

**Reason:** To prevent flooding.

3. Prior to commencement of development, the developer shall enter into a water connection agreement with the local Group Water Scheme.

**Reason:** In the interest of public health.

4. The front boundary shall be set back three metres from the road edge of the public carriageway for the full length of the front boundary. The existing utility pole shall be set back behind the new boundary consisting of timber post and rail. The area between the metalled edge of the road and the proposed new entrance shall be paved with a compacted permeable material. This area shall be provided with suitable drainage to prevent surface water run-off onto the public road. Positive interceptor drainage at the proposed entrance shall be put in place to the satisfaction of the planning authority.

**Reason:** In the interests of proper planning and traffic safety.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

6. (a) The treatment system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the Tertiary Treatment System and infiltration/treatment area is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

7. The garage shall be used solely for use incidental to the enjoyment of the main dwelling and shall not be sold, rented or leased independently of the main dwelling and shall not be used for the carrying on of any trade, business or commercial/industrial activity. The structure shall not be used for the purposes of independent habitation.

**Reason:** To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

8. (a) The applicant shall plant native hedging on site boundaries including behind the new front fence save at the entrance where adequate site visibility shall be retained.
- (b) The new planting the subject of part (a) of this condition shall comprise indigenous species, shall be carried out and completed within the first available planting season following the completion of construction works on the site, and shall be replaced where failure occurs.

**Reason:** In the interests of the rural character and the visual amenity of the area.

9. Details of the materials, colours and textures of all external finishes to the proposed dwellinghouse shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 from Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

11. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission



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**Joe Boland**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this *26<sup>TH</sup>* day of *June* 2024