

An  
Bord  
Pleanála

## Board Order ABP-319404-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 23/60217**

**Appeal** by Tracy Grove Homefield, Cherry Lane, Kilwarden, Kinnegad, County Meath against the decision made on the 29<sup>th</sup> day of February, 2024 by Meath County Council to grant subject to conditions a permission to Serena Treacy care of McMahon McBennett of Barley Hill, Kingscourt, County Meath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new two-storey dwelling, associated detached single car garage, opening of a new vehicular entrance to site, the relocation of existing agricultural entrance, the widening of the L-40183 for the first 15 metres to accommodate two-way traffic, new private water well and wastewater treatment system and sand polishing filter together with all associated site development works, all at Kilwarden, Kinnegad, County Meath, as revised by the further public notices received by the planning authority on the 3<sup>rd</sup> day of February, 2024.

## **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 nature of the proposed development, its siting and design, its separation from adjoining residential properties, its compliance with the Rural Development Strategy of the Meath County Development Plan 2021-2027, and the landscaping, drainage and access arrangements for the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and in accordance with the Meath County Development Plan 2021-2027 and the Sustainable Rural Housing Guidelines (2005), would not negatively impact on residential amenity or give rise to negative visual impacts, or impacts on drainage or traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The proposed 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 received by the planning authority on the 23<sup>rd</sup> day of January, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. (a) The developer shall provide and maintain unobstructed sightlines of 70 metres to the nearside edge of the road from a setback of 2.4 metres, in accordance with TII document DNGEO-03060, from the entrance. The nearside road edge shall be visible over the entire sight distance.

- (b) The new roadside boundary shall be erected at least one metre behind the sightlines and a hedge planted at least one metre behind the fence, unless otherwise agreed with the planning authority.
- (c) The domestic entrance layout shall comply with the Meath Rural Design Guide. The face of the entrance piers shall be at least three metres from the edge of the road and the entrance gate shall be recessed at least seven metres from the edge of the road. The agricultural entrance gate shall be set back at least 12 metres from the edge of the road.

**Reason:** In the interest of traffic safety.

- 4. Road drainage shall be provided in compliance with the Department of Transport "Guidelines for Road Drainage - 2nd Edition, 2022". Any drainage pipe installed shall be at least 300 millimetres in diameter and, in any case, shall be no less than the nearest downstream pipe diameter.

**Reason:** In the interest of traffic safety.

- 5. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the planning application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.

- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.

- 6. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

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

- 7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –

- (i) Existing trees, hedgerows, shrubs, and stone walls, specifying which are proposed for retention as features of the site landscaping.
  - (ii) The measures to be put in place for the protection of these landscape features during the construction period.

- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
  - (iv) Details of screen planting which shall not include cupressocyparis x leylandii.
  - (v) Details of roadside planting which shall not include prunus species.
  - (vi) Hard landscaping works, specifying surfacing materials and finished levels.
- b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

8. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

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

9. Details of the materials, colours and textures of all the external finishes to the proposed development 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. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent flooding or pollution.

11. 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.

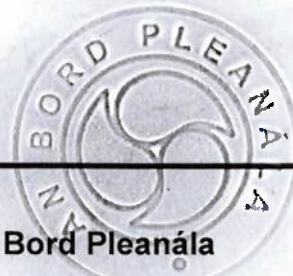


12. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the costs of carrying out the road widening works on the L-40183 adjacent to the junction with the R-161 to facilitate two-way traffic. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

  
Declan Moore

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



Dated this 5<sup>th</sup> day of November 2024.