

An
Bord
Pleanála

Board Order
ABP-320531-24

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2360871

Appeal by Patrick Daly of Ballymalone More, Ballina, County Tipperary against the decision made on the 15th day of July, 2024 by Tipperary County Council to grant, subject to conditions, a permission to Evelyn Hartigan care of Emer Butler Architects of Clonfadda, Killaloe, County Clare in accordance with plans and particulars lodged with the said Council:

Proposed Development: A replacement single-storey house, a wastewater treatment system and all associated works at Ballymalone More, Ballina, County Tipperary. The proposed development was revised by further public notices received by the planning authority on the 20th day of June, 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 and scale of the proposed development, the historical use of the site for residential purposes, Policy 5-15 and Objective 4.2 in Appendix 6 of the Tipperary County Development Plan 2022-2028 in relation to replacement dwellings in rural areas, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not constitute a traffic hazard and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 received by the planning authority on the 5th day of June 2024 and the unsolicited further information received on the 13th day of June 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, design details for the south-western site boundary setback (adjoining the junction between L-2128 local primary road and L-21282 local tertiary road) and any retaining wall structures shall be submitted for written agreement to the planning authority.

Reason: In the interest of traffic safety.

3. The landscaping scheme as illustrated on the landscape plan submitted to the planning authority as unsolicited information on the 13th day of June 2024 shall be implemented during the first planting season following the completion of the dwelling. The existing trees and shrubs on the site boundaries shall be retained and maintained as a feature of the development except where removal is required to comply with the entrance detail and sightline requirements.

Reason: In the interest of visual amenity.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply network.

Reason: In the interest of public health.

6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application on the 5th day of June 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area 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 ≤ 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 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.

7. All service cables associated with the proposed development (such as electrical, television, telephone cables and broadband) shall be run in underground ducting.

Reason: In the interest of visual amenity.

8. Prior to commencement of works, 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 development, including noise and dust management measures and off-site disposal of construction/demolition waste.

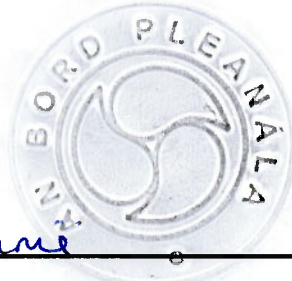
Reason: In the interest of public safety and amenity.

9. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

10. 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.



Mary Gurrie

Mary Gurrie

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

Dated this *28* day of *April* 2025