



**An
Coimisiún
Pleanála**

**Commission Order
ABP-322133-25**

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 2460269

Appeal by William Hayes of Mount Poplar, Kildalkey, County Meath against the decision made on the 24th day of February 2025, by Meath County Council to grant, subject to conditions, a permission to Anthony Darby and Laura Faulker care of John Madden Associates of Blackhall Street, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a storey and half dwelling (205 square metres), domestic garage (36.7 square metres) and upgrade the existing agricultural entrance to a domestic entrance onto public roadway. Permission is sought for the installation of a Secondary Treatment System and soil polishing filter and all associated site works at Clonmore, Kildalkey, County Meath.

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, and its compliance with the Rural Development Strategy of the Meath County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and in accordance with the current development plan. The proposed development 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 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 29th day of January 2025, 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. (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 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. 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 hours of working, management of construction traffic, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

4. (a) The vehicular access, including visibility splays of 2.4 metres by 70 metres in both directions to the nearside road edge, as detailed on the layout drawings date received the 22nd day of April 2024, and further information submitted on the 29th day of January 2025, shall be provided for the development hereby permitted and in accordance with Transport Infrastructure Ireland document DN-GEO-03060. Sightlines shall be maintained unobstructed, and the nearside road edge shall be visible over the entire sight distance.
- (b) The 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.

Reason: In the interest of visual amenity.

5. External walls and roof finish shall be as shown on the plans submitted on the 22nd day of April 2024 and further information submitted on 29th day of April, unless otherwise agreed in writing with the planning authority prior to the commencement of development. The use of reconstituted stone or brick shall not be permitted. Natural stone, illustrated on plans and particulars submitted to the planning authority, shall be a grey stone.

Reason: In the interest of visual amenity.

6. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/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 Wastewater 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 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.

7. The garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.

Reason: In the interest of development control.

8. (a) Landscaping shall be carried out as detailed on the site plan submitted on the 22nd day of April 2024 as amended by further information received on the 29th day of January, 2025 unless otherwise agreed. Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the entrance. New site boundaries shall consist of timber fencing back planted with hedgerow of species native to the area.
- (b) Planting shall commence no later than the first planting season following commencement of development on site. 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: To protect the visual amenity and natural heritage of the area.

9. (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.

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 Coimisiún 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.



Paul Caprani

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 16th day of July 2025.