

An
Coimisiún
Pleanála

Commission Order
ABP-322262-25

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 20250080

Appeal by Millie Brennan care of Ian Doyle Planning Consultant of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford against the decision made on the 14th day of March, 2025 by Wexford County Council to refuse permission for the proposed development.

Proposed Development: Permission for (a) the proposed erection of alterations and extensions to an existing dwelling house (including part demolition of existing extensions) and proposed erection of a domestic garage; (b) upgrade of the existing sewerage system and installation of new treatment plant; (c) new splayed entrance, together with associated and auxiliary site works at Ballymoney Upper, Gorey, County Wexford.

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 Section 3.6.6 of the Wexford County Development Plan 2022- 2028, the location of the site within the village of Ballymoney and the development plan policies to consolidate such settlements and the established use of the site for residential purposes, it is considered that, subject to compliance with the conditions set out below, the proposed development would not significantly impact on the residential and visual amenities of the area, 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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority on the 23rd 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. Details of the external finishes of the proposed development, including the front boundary wall, to include details of materials, texture and colour shall be submitted to and agreed in writing with the planning authority prior to commencement of the development

Reason: In the interest of visual amenity.

4. 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.

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

5. Prior to commencement of the development, full details of the proposed vehicular entrance, footpath and new boundary wall, which shall not exceed 1.2 metres in height, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of traffic and pedestrian safety.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 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.

7. Prior to the commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Demolition and 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 details of the off-site disposal of construction/demolition waste.

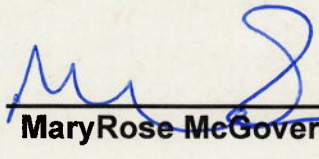
Reason: In the interest of public safety and amenity.

8. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the Site Characterisation Form in the plans and particulars submitted to the planning authority on the 23rd day of January 2025 (not as amended by the plans and particulars received by An Bord Pleanála on the 10th day of April 2025) and shall be in accordance with the standards set out in the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single House (Population Equivalent ≤ 10) Environmental Protection Agency 2021.
- (b) Treated effluent from the treatment system shall be discharged to an infiltration area and shall be provided in accordance with the standards set out in the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single House (Population Equivalent ≤ 10) Environmental Protection Agency 2021.
- (c) 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 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.
- (d) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a plan for the decommissioning of the existing septic tank and percolation area, including all appropriate backfilling and the removal of contaminated soil to a licensed operator.

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

9. 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 the 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.


Mary Rose McGovern

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission

Dated this 30th day of July 2025