

**LOUTH COUNTY COUNCIL**

Planning Section, Town Hall, Crowe Street, Dundalk, County Louth A91 W20C  
Tel:042/9335457 Fax:042/9320080

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**NOTIFICATION OF GRANT OF PERMISSION**

**TO:** Daniel McKeever  
c/o ECC Design & Engineering Ltd.  
Jeninstown Business Park  
Jeninstown  
Dundalk  
Co Louth

14/10/2019

**Register Reference Number:** 19130

**Date Application Received:** 25/02/2019

**Description of Development:** Permission for one dwelling house, effluent treatment system and all associated site development works.

**Application Type:** PERMISSION

**Name of Applicant:**  
Daniel McKeever

**Location Address:**  
Annies  
Kilcurry  
Dundalk

Permission is hereby granted for the development described above, subject to the 8 conditions set out in the Schedule attached.



**Anne D. Callan,  
Administrative Officer**

**NOTES**

1. Unless otherwise specified in this decision and subject to certain exceptions, a permission will, on the expiration of a period of five years beginning on the date of grant, cease to have effect as regards:  
(a) in case the development is not commenced during that period, the entire development, and  
(b) in case the development is commenced during that period, so much of the development as is not completed within that period.
2. A grant of Outline Permission will cease to have effect on the expiration of a period of three years beginning on the date of grant, unless a subsequent application for permission has been made within that period.
3. A grant of Outline Permission does not authorise the carrying out of any development. A subsequent grant of Permission must be obtained before development commences.

## LOUTH COUNTY COUNCIL

REFERENCE NO. 19/130

### CONDITIONS

1. The development shall be carried out in strict accordance with plans and particulars lodged with the Planning Authority on 25<sup>th</sup> February 2019 as amended by the revised plans and particulars received on 21<sup>st</sup> August 2019 except as may otherwise be required to comply with the following conditions.

**Reason:** To cater for orderly development and in the interests of sustainable development.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant or his heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent in writing is granted by the Planning Authority for its occupation by other persons who are eligible under the appropriate qualifying criteria for the area. The applicant shall enter into a written agreement with the Planning Authority under section 47 of the Planning & 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, together with a signed 'section 47 agreement' as required at paragraph (a) above.

(c) This condition shall not affect the sale of the dwelling by a mortgagee in possession or by a 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 the 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. The development hereby granted is required to comply with the following infrastructure requirements:

(a) Adequate visibility shall be made available and maintained for a minimum of 75 metres on either side of the private driveway from a point 2.4 metres back in from the edge of the road carriageway over a height of 0.6metres to 1.05 metres above road level and no impediment to visibility shall be placed, planted or allowed to remain within the visibility triangle as detailed on plan and related agreements submitted with this application.

**REFERENCE NO: 19/130**

- (b) Where it is necessary to remove hedges/banks/walls to provide adequate sightline visibility, this must be completed prior to the development on site and any new boundary wall/fence/hedge shall be located behind the visibility splay. Any pole, column, tree or sign materially affecting visibility must also be removed.
- (c) Entrance gates, if any shall be set back at least 5.5metres from the road edge. Wing walls or fence shall be splayed at an angle of 45degrees, and the gates shall open inwards.
- (d) Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property. Surface water Attenuation and Disposal must be carried out in accordance with the Soakaway Design BRE 365 Report by Eamonn Mc Mahon, Consulting Engineer.
- (e) The applicant/developer shall liaise with statutory bodies and the Public Utility Authorities and carry out all diversions, re-routing, modifications, etc. as required during the construction of the works. The applicant/ developer shall arrange to carry out any works required by statutory bodies and the Public Utility Authorities.
- (f) If so required, the applicant/developer shall make all necessary arrangements to apply for and obtain a Road Opening License(s) from Louth County Council in respect of all openings in public areas and shall pay Road Opening License Fees and road restoration costs. The applicant shall abide by the conditions as set out in the said license(s).
- (g) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road/footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Louth County Council or pay to the Council the cost of making good any such damage on a demand thereof being issued by the Council.
- (h) All necessary measures, as may be determined by the Planning Authority, shall be taken by the developer/contractor/servants/agents to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition; immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning work.

**REFERENCE NO: 19/130**

(i) During the course of construction work the developer shall provide on-site covered skip or other suitable receptacle for the deposit therein of all rubbish, litter, paper, packaging, rubble and other such materials arising from the works and shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.

(j) The area within the visibility splays shall be maintained to provide for the visibility sightlines over an eye/object height of 1.05m/0.6m.

(k) Road drainage across the entrance and along the public road shall not be impeded or interrupted in any way. If proposed works necessitate the piping of any existing watercourses the design of this site specific storm water drainage system shall be carried out by a Chartered Engineer.

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

4. Except where required to comply with Condition No. 3, all existing hedgerow boundaries shall be permanently retained.

**Reason:** To ensure the continuity of amenity afforded by existing vegetation.

5. All landscaping and boundary treatment shall be carried out in accordance with Drwg. No. 'Site Map DMck-002' received 25<sup>th</sup> February 2019 and shall be carried out in the first planting and seeding season, following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of three years from the completion of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. Finished floor level of the proposed dwelling shall be as identified on the Site Layout Plan drawing received 25<sup>th</sup> February 2019.

**Reason:** To cater for orderly development and in the interests of sustainable development.

7. The Wastewater Treatment and Disposal System shall comply with the Environmental Protection Agency (EPA) Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (October 2009). In this regard, the development hereby granted is required to comply with the following requirements:

**REFERENCE NO: 19/130**

Packaged Wastewater Treatment System

(a) The development shall be serviced by a packaged wastewater system conforming to I.S. EN 12566-3 or is Irish Agrément Bord Certified. The system shall comply with the EPA Code of Practice - Section 9. The system shall be installed in accordance with the manufacturer's instructions. Installation shall be supervised and certified by a competent person or the system supplier and the work documented for future inspection by the Planning Authority.

Polishing Filter

(b) The effluent from the packaged wastewater system shall be discharged to a polishing filter. The polishing filter shall comply with the EPA Code of Practice - Section 10. The installation shall be overseen and certified by a competent person. This certificate shall be forwarded to the Planning Authority by the Site Assessor prior to the occupation of the dwelling house. The site of the polishing filter shall be staked and roped off before any construction activities begin, to make others aware and to keep traffic and materials off the site.

(c) Invert level of percolation stone under the sand filter to be 100mm below existing ground level.

Location of System

(d) The wastewater treatment and disposal system shall not be located at any position other than that indicated on the site layout map approved by the Planning Authority. The treated wastewater shall not be discharged to any watercourse (including drains).

Minimum Separation Distances

(e) The minimum distances of separation of the wastewater treatment and disposal system from relevant features shall be as set out in the EPA Code of Practice - Section 6 Table 6.1

Wells

(f) The recommended minimum distance between a receptor and a polishing filter shall be as set out in the EPA Code of Practice – Annex B Table B.3.

(g) Where the planning permission includes a condition to connect to the mains water supply and an alternative private well supply is later proposed, a report from a site assessor showing compliance with Table B.3 and a site layout plan showing the location of the well must be submitted to the Planning Authority for record purposes.

**Change of System**

(h) The wastewater treatment and disposal system shall be strictly in accordance with the details submitted to and approved by the Planning Authority. A system other than that proposed shall not be installed without the prior written consent of the Planning Authority. A request for a change of system shall be supported by a site specific report from the site assessor confirming that the proposed alternative system is appropriate for the site and meets the requirements of the EPA Code of Practice.

**Certification for the Wastewater Treatment and Disposal System**

(i) Before the dwelling is occupied, the developer/ property owner shall furnish the Planning Authority with written certification from a competent person who possesses and produces professional indemnity insurance for a minimum of €1,000,000 that the installation of the treatment system and polishing filter have been carried out in accordance with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (October 2009) and the requirements of the Planning Authority as set out in a, b, c, d, e, f and g above.

**Installation, Inspection and Monitoring Schedule**

(j) The wastewater treatment system shall be installed, inspected, maintained and monitored in accordance with the EPA Code of Practice - Section 12 Table 12.1. Homeowners should obtain the appropriate documentation including manufacturer's instructions on the system and shall take all steps to ensure that the system is properly operated and maintained. A management and maintenance agreement shall be completed with the system supplier. All inspection and maintenance work shall be carried out by competent persons. Records of installation including contractor's details, maintenance and de-sludging shall be kept to demonstrate a 'duty of care'. The documentation should be transferred to any new homeowner. It is recommended that the tank should be de-sludged once a year.

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

**REFERENCE NO: 19/130**

8. In accordance with the Council's Development Contribution Scheme 2016-2021 made under the provisions of Section 48 of the Planning and Development Act 2000, the developer shall pay a contribution to the Planning Authority, (or such increased amount in accordance with the changes on an annual basis to the Chartered Surveyors of Ireland Construction Tender Price Index) towards the costs already incurred or to be incurred by the Planning Authority on the provision of each of the public facilities listed below, which will benefit development in the area of the Planning Authority. Unless otherwise agreed with the Planning Authority in writing, the said contribution shall be paid in full prior to the commencement of development.

(i)	Class 1 Infrastructure	€4,200
(ii)	Class 2 Amenity	€1,200

**Total Contribution:** €5,400

**Reason:** The provision of such public infrastructure and facilities in the area of the Planning Authority has benefited or will benefit the proposed development and it is considered reasonable that the developer should contribute towards the cost of their provision.

**Notes for Applicants**

1. It should be clearly understood that the granting of Planning Permission does not relieve the developer of the responsibility of complying with any requirements under other Codes of legislation affecting the proposal.
2. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
3. A grant of Planning Permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.

**Irish Water Standard Notes**

1. Where the applicant proposes to connect to a public water/wastewater network operated by IW, the applicant must sign a connection agreement with IW prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
2. In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.