

Comhairle Contae Chill Dara  
Kildare County Council



Date: 02/03/2023  
Pl. Ref: 22/1368

Shane MacNeaney,  
C/o David McNally,  
Johnstownbridge,  
Enfield,  
Co. Meath.

Planning Register Number: 22/1368  
Application Receipt Date: 16/11/2022

**PERMISSION** the construction of a single storey dwelling and detached domestic garage, O'Reilly Oakstown BAF sewerage treatment system, recessed site entrance and all associated ancillary site works AT Ballynamullagh, Enfield, Co. Kildare. IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

In pursuance of the powers conferred upon them by the Planning & Development Act 2000 (as amended), Kildare County Council have by Order dated 16/01/2023 GRANTED PERMISSION to the above named, for the above development subject to 14 conditions set out in the attached schedule

Date: 02/03/2023

Signed:

Senior Executive Officer, Planning  
Kildare County Council.

NOTE: The permission herein granted shall, on the expiration of the period of 5 years beginning on the date of the granting of permission, cease to have effect as regards:

- (1) In case the development to which the permission relates is not commenced during the period, the entire development, and
- (2) In case such development is so commenced, so much thereof as is not completed within that period.

**Planning Permission is sought for the construction of a single storey dwelling and detached domestic garage, O'Reilly Oakstown BAF sewerage treatment system, recessed site entrance and all associated ancillary site works at Ballynamullagh, Enfield, Co. Kildare – Shane MacNeaney – 22/1368**

**Schedule 1 - Considerations and Reasons on which this Decision is based as required by Article 31 of the Planning and Development Regulations 2001 (as amended).**

Having regard to the policies and objectives of the Kildare County Development Plan 2017–2023, the nature and design of the proposed development, and the character of adjoining development, it is considered that, subject to compliance with the conditions attached, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

**Schedule 2 - Conditions to apply.**

1. The development shall be carried out in accordance with documentation and particulars received by the Planning Authority on 16<sup>th</sup> November 2022 except where altered or amended by conditions in this permission.

**Reason:** To enable the Planning Authority to check the proposed development when completed, by reference to approved particulars.

2. The permitted dwelling and shall be occupied as a single housing unit. The dwelling and shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use. The garage shall remain ancillary to the dwelling and shall be used for domestic purposes only. The garage shall not be used for human habitation, for any commercial use or for the carrying out of any trade. The garage shall not be let or sold separately to the dwelling.

**Reason:** In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

3. The dwelling, when completed, shall be first occupied for a minimum period of seven years as a sole place of permanent residence by the Applicant, **Shane MacNeaney**.

(a) Within two months of the occupation of the proposed dwelling, the Applicant shall submit, to the Planning Authority, a letter from their architect/engineer or other suitably qualified and indemnified person indicating the date on which the first occupation of the dwelling occurred.

(b) The Planning Authority will consent to any sale of the property by a lending institution in exercise of its powers as mortgagee and likewise consent to any sale by any person deriving title from the lending institution. Approval to the sale of the property in any other circumstance will be considered on its merits by Kildare County Council.

**Reason:** To comply with Policy RH 5 of the Kildare County Development Plan 2017 – 2023, in the interests of orderly development that the proposed house is used to meet the Applicants stated housing needs and to ensure that development in this rural area is appropriately restricted in the interest of proper planning and development and visual amenity.

4. The external finishes of the dwelling and garage shall be consistent with the information received by the Planning Authority on 16<sup>th</sup> November 2022. The use of reconstituted stone, brick or dry (pebble) dash shall not be permitted. The roof shall comprise blue/black slates or tiles. The external materials and finishes of the garage shall match the dwelling.

**Reason:** In the interests of visual amenity and orderly development.

5. The Developer shall ensure that:

- (a) All surface water shall be collected and disposed of to either rainwater harvesting, surface water system and/or soakways designed and constructed in accordance with B.S. 8301:1985 and BRE Digest 365 and provided with inspection manhole covers.
- (b) The entrance shall be drained by either gullies or by precast concrete drain channels, via silt traps, to the surface water system/soakways within the site, in order that no water discharges off to the public roadway.
- (c) Existing land and roadside drainage shall not be impaired.
- (d) Only clean uncontaminated surface water from the development shall be discharged to the surface water system.
- (e) Roadside drainage shall be provided at the entrance which shall discharge to soakways or water system on the site and to the grass verge which shall be lowered and levelled to the road level and provided with water run off cuttings. Roadside drains, where present, shall be retained except at the entrance where they shall be piped with a single pipe or culvert corresponding to the dimensions of the drain cross section.

**Reason:** To prevent interference with existing land or road drainage, to ensure proper servicing of the development and to avoid pollution.

6. All foul waste and soiled water shall discharge to the onsite wastewater treatment system as per the submitted and approved operational and layout plans.

**Reason:** In the interest of public health and the use of best practice guidelines in order to avoid pollution.

7. The waste water treatment system, including the percolation area and/or polishing filter shall be designed and installed strictly in accordance with the approved layout plans by suitably trained and competent persons as per the 2021 Environmental Protection Agency "Code of Practice for Domestic Waste Water Treatment Systems".

**Reason:** In the interest of public health and the use of best practice guidelines in order to avoid pollution.

8. Staged photographs of the installation and commissioning stages of the wastewater treatment system shall be supplied to Kildare County Council together with a commissioning certificate by a suitably competent professional for approval prior to occupation of the property.

**Reason:** In the interest of public health and the use of best practice guidelines in order to avoid pollution.

**9.** A maintenance agreement shall be entered into and maintained between the property owner and a suitably competent contractor for the annual maintenance of the wastewater treatment system in accordance with the manufacturer's guidelines. A copy of the initial maintenance agreement shall be supplied to Kildare County Council **prior to first occupation.**

**Reason:** In the interest of public health and the use of best practice guidelines in order to avoid pollution.

**10. Prior to the commencement of development,** the Applicant shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) in accordance with Appendix B of the Environmental Protection Agency "Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021)" including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. A copy of this RWMP shall be retained onsite at all times for inspection purposes.

**Reason:** In the interest of proper planning and sustainable development.

**11.** The Developer shall ensure that:

- (a) A recessed entrance shall be provided to the site constructed generally in accordance with Drawing no. E3639-1 (copy attached). The outer piers shall be 2.4m back from the road edge.
- (b) The building line shall comply with Site Layout Plan Drawing No. 1002 received by the Planning Authority 16<sup>th</sup> November 2022.
- (c) Lines of sight at the entrance to the site shall be provided strictly in accordance with the Transport Infrastructure Ireland document DN-GEO-03060 and Site Layout Plan Drawing No. 1002 received by the Planning Authority on 16<sup>th</sup> November 2022.
- (d) The existing front roadside hedge and verge shall be kept free from obstruction and shall be maintained by the Occupant so as not to impede lines of sight in accordance with the Transport Infrastructure Ireland document DN-GEO-03060.
- (e) Materials and finishes of the entrance shall be in accordance with Section 16.6.1 of the Kildare County Development Plan 2017–2023. Only the recessed space shall be splayed with wing walls, timber fences or stone banks not exceeding 1.2m in height (including any pillars and gates). Any external wing walls shall be finished to match that of the proposed dwelling house.

**Reason:** In the interest of traffic safety, proper planning and sustainable development.

**12. Prior to occupancy,** the Applicant shall ensure that electrical charge points are provided at the driveway of the new dwelling to enable charging of electric vehicles.

**Reason:** In the interest of proper planning and sustainable development.

**13.** The Developer shall ensure that:

- (a) No spoil, dirt, debris or other materials shall be deposited on the public road, footpath or verge by operatives or vehicles travelling to or from the development site during construction phase.

(b) No building material or plant shall be used or stored on the public road without the prior consent of the Municipal District Engineer. All vehicles relating to trades people shall be accommodated within the site. No parking shall take place on the public road.

(c) Site development works shall be confined to the hours of 07:00 to 18:00 Monday to Friday and 08:00 to 14:00 on Saturdays. No site development works shall take place outside of these hours, or on Sundays or Public Holidays. Any alterations to these times shall be subject to the prior written consent of the Planning Authority.

(d) The following limits shall apply to the construction phase of the development:

- i. 70 dB(A) (LAeq 1 hour) between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location in the vicinity of the site.
- ii. Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

**Reason:** To ensure that the Developer keeps the public areas adjacent to the development in a suitably clean state of repair during construction works and to protect the environment and amenity of the adjoining properties.

**14.** The Applicant/Developer to pay to Kildare County Council the sum of **€12,822.84** being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Kildare County Council on 19<sup>th</sup> December 2022 in accordance with Section 48 of the Planning and Development Act 2000 as amended. Payments of contributions are strictly in accordance with Section 34 of the Development Contribution Scheme adopted by Kildare County Council on 19<sup>th</sup> December 2022.

**Note:** Please note water and wastewater development contribution charges now form part of the water connection agreement, if applicable, with Irish Water.

**Reason:** It is considered reasonable that the developer should make a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

#### **ADVICE NOTE TO APPLICANTS**

All applicants are advised to make themselves aware of their responsibilities under the requirements of the Building Control Regulations 1997 to 2021, the EU Construction Products Regulations, and the EU Energy Performance of Buildings Regulations.

Further information and FAQ's can be found online at <https://localgov.ie/>

or <https://kildare.ie/countycouncil/AllServices/BuildingandDevelopmentControl/>

NB: Failure to submit a Commencement Notice (where required) is an offence and will have serious consequences which cannot be regularised at a later date. You may have difficulties in selling your property if you cannot prove that the statutory requirements relevant to the property have been met.