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TO: Alex Moffett
Moffett Architectural
Corlea,
Ballybay.
Co. Monaghan.

23/5
16/02/2023

**Re: Planning and Development Act 2000 (as amended)
NOTIFICATION OF DECISION**

Monaghan County Council has by order dated 16/02/2023 decided to GRANT permission to the above named for development of land, in accordance with the documents submitted namely for:- permission to construct a storey & a half / dormer type dwelling house, with proprietary wastewater treatment system along with other associated ancillary site works & new site entrance at Shanmullagh (DED Tullycorbet), Braddox subject to the 6 condition(s) set out in the Schedule attached.

Signed on behalf of Monaghan County Council

ANGELA GALLAGHER
ADMINISTRATIVE OFFICER

16/2/23

DATE

Provided there is no appeal against this DECISION a grant of planning permission will issue at the end of four weeks (see footnote).

**THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT
COMMENCE UNTIL PLANNING PERMISSION IS ISSUED.**

NOTE:

1. Any appeal against a decision of a Planning Authority under Section 34 of the Act of 2000 (as amended) may be made to An Bord Pleanála. The appeal period for the applicant and other persons will be four weeks from the day the Planning Authority makes its decision.
2. Appeals should be addressed to The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. In the case of an appeal by any other person, the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.
 - (a) The fee for an appeal against a decision of a Planning Authority, on a planning application relating to a commercial development, made by the person who made the planning application is **€1,500 or €3,000** if there is an EIS or NIS involved. Commercial Development means development for the purpose of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application is made, where the application relates to unauthorised development is **€4,500 or €9,000** if there is an EIS or NIS involved.
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development, other than an appeal mentioned at (a) or (b) is **€660**.
 - (d) Appeal other than appeal mentioned at (a), (b), (c), or (f) is **€220**.
 - (e) Application for leave to appeal is **€110**.
 - (f) Appeal following a grant of leave to appeal is **€110**.

The appeal must be fully complete, with your name and address, the subject matter of the appeal, the full grounds of appeal and supporting arguments and material, appropriate fee and evidence of payment of submission fee to the Planning Authority.

In the case of a third party appeal, the acknowledgement from the Planning Authority of receipt of the submission or observation made by the person to the Planning Authority at application stage should be submitted and the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.

3. Submissions or observations to the Board by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of **€50**.

For more information on Appeals you can contact An Bord Pleanála at:-

Tel. 01-8588100 or LoCall: 1890 275 175

Fax: 01-8722684

E-mail: bord@pleanala.ie

Web: www.pleanala.ie

Fáiltíonn an tÚdarás Áitiúil roimh chomhfhreagras i nGaeilge

Pleanáil/Planning 047-30532 | planning@monaghancoco.ie

1. a) The developer shall pay to Monaghan County Council a sum of **€1811.00** in accordance with the General Development Contribution Scheme 2021-2026, made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area.
- b) The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages).
- c) No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.

Reason: It is considered appropriate that the developer should contribute towards the expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity infrastructure and facilities in the area.

2. a) Prior to any other works commencing, visibility splays of 70 metres, measured to the nearside road edge in each direction, shall be provided from a point in the centre of the entrance 2.4 metres from the road edge at a height of 1.05 metre to 2.0 metres above ground level to an object height of 1.05 metres to 2.0 metres above ground level in both directions. The visibility splays shall be retained and kept clear thereafter
- b) The entrance/access road shall be surfaced with concrete, bituminous or other suitable materials for a minimum of 5 metres from the edge of the public road. It shall be graded back so that the level at 3.0 metres from the edge of the carriageway is a minimum of 100 mm below road level. The gradient of the access road shall be not greater than [1:20 (5.0%) for the first 5 metres/1:25 (4.0%) for the first 10 metres] from the boundary and no less than 1:10 (10.0%) thereafter
- c) A french drain, consisting of concrete/twinwall pipes no less than 225mm in diameter and backfilled to ground level with suitable granular filter material shall be placed along the entire site frontage and discharge to the nearest appropriate watercourse or drainage pipeline. Suitable gullies shall be placed at the start, end, and intersection of other drains and at not greater than 40 metres intervals. If a road opening licence is required a separate application shall be made to Monaghan County Council and no works shall commence until a licence is granted
- d) [Cattlegrid/ACO Drain/Gullies] shall be installed at the proposed entrance and constructed in such a manner as to prevent water flowing from the entrance onto the public road. The discharge from the above drainage shall be piped to an appropriate drainage pipeline or watercourse
- e) Surface water from the site shall not drain onto the public road or otherwise interfere with the existing public road drainage system. The discharge of surface water from the public road onto the site through road surface drainage and road subsoil drainage shall remain unimpeded
- f) The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining public road is kept clear of debris, soil and

other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense

- g) All site works required in respect of conditions (b), (c), (d) and (e) above shall be carried out prior to the [occupation of the development/commencement of operations] hereby approved and shall be permanently retained thereafter
- h) Before any work is commenced on this development a security, by way of a cash deposit, to the sum of **€2250**, shall be paid to the planning authority by the developer to ensure that works are carried out in accordance with the approved plans and conditions (a) to (g) above. Failure to carry out these works to the satisfaction of the Planning authority will result in forfeiture of all of the cash security.

Reason: In the interest of traffic safety and to ensure a satisfactory standard of development.

- 3. a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 6th January 2023 and in accordance with the requirements of the document entitled The Environmental Protection Agency Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021. No system other than the type proposed in the application shall be installed without the prior written agreement of the Planning Authority.
 - b) A maintenance contract for the effluent treatment and disposal system shall be entered into from the first date of occupancy of the dwelling and permanently maintained thereafter. Signed and dated copies of the contract, which shall be for a minimum period of 3 years, shall be submitted to, and agreed in writing with the planning authority within 2 months of the installation.
 - c) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
 - d) Within two 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 proposed effluent treatment and disposal system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.
 - e) Proposed well to be located a minimum of 30m uphill of proposed on site waste water treatment system. Reason: In the interest of public health and environmental protection.
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- 4. a) The planting details and associated site works as indicated on plans as submitted to the Planning Authority on 6-1-2023, shall be fully implemented prior to any occupancy of the dwelling hereby approved or in the first available planting season following commencement of building operations, whichever is the sooner
 - b) Landscaping works within the site area as detailed on plans as submitted to the Planning Authority on 6-1-2023, shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced

- c) All trees/hedgerows denoted 'to be retained' shall be protected and retained in full except where required to be removed to facilitate development

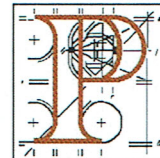
Reason: In the interest of visual amenity.

- 5. a) Roof tiles/slates and ridge tiles shall be blue/black in colour
- b) A maximum of two external wall finishes shall be utilised

Reason: In the interest of visual amenity.

- 6. The development shall be carried out in accordance with plans and documentation submitted to the Planning Authority on 6-1-2023, except as may otherwise be required in order to comply with the above conditions.

Reason: To ensure a satisfactory standard of development.



Planning Appeal Form/Check List
(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).
2. State the -
 - name of the appellant _____
(not care of agent)
 - address of the appellant _____
(not care of agent)
3. If an agent is involved, state the -
 - name of the agent _____
 - address of the agent _____
4. State the Subject Matter of the Appeal*
 - Brief description of the development _____

 - Location of the development _____

 - Name of planning authority _____
 - Planning authority register reference number _____

** Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.*

5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
7. Fee of € _____ attached in respect of the appeal.
8. Fee of € _____ attached in respect of request for an oral hearing of the appeal, if a request is being made.
9. Ensure that the appeal is received by the Board in the correct manner and in time.

Signed _____ Date: _____

A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000. Substitute 'observer' for 'appellant' and 'submission/observation' for 'appeal' at each reference. Items 6 and 8 above are not applicable to the making of submissions or observations. /Over.....

Notes (See Form/Check List overleaf)

1. Rules for Making Appeals

You are advised to check the latest version of “A Guide to Making a Planning Appeal” issued by the Board. It is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority. A significant number of appeals are invalid because they are not made in accordance with the statutory rules.

2. Appeal Fees

You are advised to check the appropriate fee for making an appeal. Different fees apply depending on the nature of the appeal. A leaflet “Guide to Fees payable to the Board” is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority. Note that appeal fees may change from time to time. A significant number of appeals are invalid either because no fee or an incorrect fee is included.

3. Time Limits

The time limit for making an appeal is, except where the appeal is made following a successful application for leave to appeal, four weeks beginning on the date of the planning authority decision (not the day it is sent or received). Day one is the day the planning authority decision is made. For example, if the decision of a planning authority is made on Wednesday 2nd of a month, the last day for receipt of the appeal is Tuesday 29th of the same month, NOT Wednesday 30th. There are special rules where the last day falls on a day the Board’s offices are closed or where the appeal period falls over the Christmas/New Year period. Check our leaflet for further information. A significant number of appeals are invalid because they are late – sometimes, just one day late.

4. Delivering the Appeal

- Send the appeal by post to *The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1*, or,
 - deliver it by hand, to an employee of the Board (not a security person), during office hours (9.15 a.m. to 5.30 p.m.) on Monday to Friday,
- so that the appeal reaches the Board by the last day for making an appeal.
Do not place the appeal in the Board’s letterbox. A significant number of appeals are invalid because they are incorrectly delivered.

5. Completeness

The appeal must be fully complete from the start. You are not permitted to submit any part of it at a later time, even within the time limit. Neither are you permitted to clarify, elaborate or make further submissions either for the purposes of complying with the rules for making an appeal or otherwise, unless invited by the Board.

This document is issued as an aid to making a valid planning appeal to the Board. It may be used as a ‘cover page’ in making such an appeal but there is no legal or other requirement to do so. The document should be read in conjunction with the latest versions of the Board’s leaflets “Making a Planning Appeal under the 2000 Planning Act” and “Guide to Fees payable to the Board”. The guidance given in those leaflets and in this document also applies generally to the making of submissions and observations by ‘observers’ under section 130 of the 2000 Planning Act. A significant number of submissions and observations by ‘observers’ are also invalid because the appropriate rules are not observed.

This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 for the statutory rules governing the making of appeals (section 130 for ‘observers’).

An appeal or a submission or observation on an appeal that is not made strictly in accordance with the statutory rules will be invalid. The Board has no discretion to relax or vary the rules. The onus is on YOU to meet all the legal requirements at the time you make the appeal/submission/observation.

14th February 2005