



An  
Bord  
Pleanála

**Board Direction**  
**BD-005831-20**  
**ABP-306489-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/05/2020.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

#### **Reasons and Considerations**

Having regard to the B1 Village Centre and A2 New Residential zoning objectives for the site and the Core Settlement Strategy for Rathcairn Village in the Meath County Development Plan 2013-2019, to the policies and objectives of the plan to protect and contribute to the Gaeltacht identity of the village and to the Language Impact Statement submitted with the application inclusive of a proposal to reserve a significant proportion of the residential units for Irish speakers, the Board considered that the proposed development was in accordance with the objectives and policies of the Meath County Development Plan 2013-2019, would contribute to the sustainability of the village and would not seriously injure the visual and residential amenities of the area, and would therefore be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development which comprised a guesthouse sited on the corner of the crossroads and a new residential development in accordance with the B1 Village Centre and A2 New Residential Development zoning objectives. Furthermore the Board noted that the proposed development of a new residential development of 30 houses (amended by way of further information submitted to the planning authority on 31<sup>st</sup> day of October 2019) was in accordance



with the Core Settlement Strategy for Rathcairn Village which provided for an allocation of 40 houses over the plan period between 2013 and 2019.

In deciding to grant the proposed development, the Board also noted that notwithstanding the planning authority's decision to refuse the proposed development on the basis of the inadequate quantum of public open space, the planning authority was satisfied that the proposed development was in accordance with the zoning provisions for the village and that the impact of the proposed development on the linguistic and cultural heritage could be addressed by the applicant's proposal that 50% of the houses to be reserved for Irish speakers. Subject to the inclusion of a condition to satisfactorily address this issue, the Board considered that the proposed development was in accordance with the zoning objectives and the core strategy, that it would contribute to the vibrancy and sustainability of the Gaeltacht village by providing housing for native speakers and would not therefore have a significant negative impact on the Irish language and the Gaeltacht.

In determining the appropriate percentage of houses to be reserved for Irish speakers the Board had regard to the submissions from prescribed bodies and third party observations and determined that a condition requiring a quantum of 70% of houses to be reserved for fluent Irish speaker would satisfactorily address national and local policy to protect and the linguistic and cultural heritage of the village. The Board also had regard to the conclusions of the Language Impact Statement submitted with the application that the remaining houses are likely to be occupied by persons who have an affinity with the language, given their location within the Rathcairn Gaeltacht community and the primacy of Irish as the first language of the community.

### **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 submitted to the planning authority on the 21<sup>st</sup> day of November 2019 and the 6<sup>th</sup> day of December 2019, and to An Bord



Pleanála on the 22<sup>nd</sup> day of January 2020, 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 minimum of 70% of the houses hereby permitted shall be restricted to use as a house by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the planning authority, for a period of 15 years. The developer shall submit a completed Linguistic Impact Statement to the planning authority providing details of compliance with this requirement prior to the commencement of development.

Prior to commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to restrict or regulate a portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish.

Details of the standard of Irish to be achieved and method of evaluating this shall be submitted to and agreed in writing with the planning authority prior to the finalization of the agreement hereby conditioned. (Qualification for the Sceim Deontais Tithe will automatically qualify).

Within three months of commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to give effect to the above restrictions. No house shall be occupied until an agreement has been



entered into with the planning authority pursuant to section 47 of the Planning and Development Act, 2000, as amended.

**Reason:** To ensure that development in the area in which the site is located is appropriately restricted.

3. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling unit shall be made available by the developer for occupation until water and sewerage services serving the development have been installed in accordance with the connection agreements made with Irish Water.

**Reason:** To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of proper servicing of the proposed development.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour of the guesthouse and all houses shall be blue black or slate grey (including ridge tiles)

**Reason:** In the interest of the visual amenities of the area.

6. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).



**Reason:** In the interests of amenity and of pedestrian and traffic safety.

7. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

8. The proposed car parking spaces shall be reserved for the use of the residents of the proposed development. A minimum of 10% of these spaces shall be provided by the developer, as part of the site development works, with functioning electric vehicle (EV) charging stations/points. Ducting shall be provided for all remaining car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date. Proposals relating to the installation of EV ducting and charging stations/points, in accordance with the above requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

**Reason:** To provide for and/or future-proof the development in order to facilitate the use of electric vehicles

9. The areas of communal open space shown on the lodged plans dated 22<sup>nd</sup> January 2020 shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 31<sup>st</sup> day of October 2019. This work shall be completed before any of the dwellings are made available by the developer for occupation.



**Reason:** In order to ensure the satisfactory development of the communal open space areas, and their continued use for this purpose.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interest of amenity and public safety.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual and residential amenity.

12. The landscaping scheme on the drawing entitled Landscape Plan as submitted to the Planning Authority on the 31<sup>st</sup> day of October 2019 as amended by the revised site layouts submitted with the appeal on the 22<sup>nd</sup> day of January 2020, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 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:** In the interests of residential and visual amenity.



13. Proposals for an estate/development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 residential amenities of property in the vicinity.



16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and



amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

19. 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 Bord 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.

Board Member

*Maria FitzGerald*  
\_\_\_\_\_  
Maria FitzGerald

Date: 28/05/2020



QUASHED