

An
Coimisiún
Pleanála

Direction
CD-021373-25
ACP-323202-25

The submissions on this file and the Inspector's report were considered at meetings held on 18/11/2025 and 21/11/2025.

The Commission treated this case under section 34(5) of the Planning and Development Act, 2000, as amended.

The Commission decided (2:1) that the planning authority be directed, as follows:

Amend condition 20 as follows.

20. The developer shall lodge with the planning authority a cash deposit in the amount of €603,900 (six hundred and three thousand and nine hundred euro) (i.e. €3,300 per residential unit x 183 units) for the entire development to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, car parks, open spaces 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 or maintenance of any part of the development. The security to be lodged shall align with phasing of the development as follows -

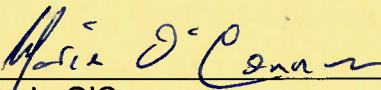
- a) A cash sum in the amount of €273,900 (83 units x €3300) (less €100,000 already paid to Louth County Council) shall be lodged for Phase 1 with the remainder, in the amount of €330,000 (three hundred and thirty thousand euro) (100 units x €3300) to be lodged prior to commencement of Phase 2 all subject to clarity between the planning authority and the developer as to the mechanism, including information required, e.g. cctv surveys, deflection/core

sample tests for road surfaces etc and timescales, for the signing off of specific phases in order for securities to be released or rolled over. This signing off procedure shall be in line with the taking in charge policy of Louth County Council.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Planning

Commissioner:


Marie O'Connor

Date: 27/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission in reaching its decision had regard to:

- a) The details and particulars submitted with the appeal and in particular the correspondences between the parties regarding the amount and phasing arrangements,
- b) Section 34(5) of the Planning and development Act 2000 as amended,
- c) the decision of the planning authority (PA Ref: 2364),
- d) the nature and extent of works covered by Condition 20 of the decision of An Bord Pleanála (ABP-316990-23),
- e) the Development Management Guidelines for Planning Authorities, published by the Department of the Environment, Heritage and Local Government (2007 and 2020) and

- f) Circular Letter PL 11/2013 (Department of Environment, Community and Local Government) dated 20th June 2023 re Provision of Security provided under section 34(g) of the Planning and Development Act 2000 - 2010 for the satisfactory completion of residential housing developments.

The Commission considered that in the absence of details from either party as to the method of calculation of the cash bond deposit per unit and given that the correspondence between the planning authority and the developer had not raised significant queries regarding the total amount of the bond prior to the appeal, that it agreed with the inspector that the cost per residential unit (at €3,300) was reasonable and acceptable for this development at this time.