

An
Bord
Pleanála

Ordú Boird
Board Order
ABP-306489-20

Na hAchtanna um Pleanáil agus
Forbairt 2000 go 2019

Planning and Development Acts
2000 to 2019

Údarás Pleanála: Comhairle
Contae na Mí

Planning Authority: Meath County
Council

Uimhir Thagartha sa Chlárleabhar
Pleanála: KA/190433

Planning Register Reference
Number: KA/190433

Uimhir Thagartha an Bhoird
Pleanála: ABP-306489-20

An Bord Pleanála Reference
Number: ABP-306489-20

Achomharc ó Colm O'Gríofa faoi
chúram Jim Brogan, Unit B1, Laurel
Lodge Business Centre, Laurel
Lodge, Castleknock, Dublin

Appeal by Colm Griffin care of Jim
Brogan of Unit B1, Laurel Lodge
Business Centre, Laurel Lodge,
Castleknock, Dublin

Board Order Quashed
By order of the High Court

Dated 11.4.22

Signed: Secretary 

An Fhorbairt Bheartaithe:

(a) Teach aíochta trí stór ar an gcúinne (30 seomra leapa le somraí folctha) a thógáil le seomraí comhdhála/cruinnithe; páirceáil choimhdeach le rochtain amach ar an dá bhóthar agus (b) forbairt chónaithe a chuimsíonn 28 teach aon stór go leith, 5 theach scoite 5 seomra leapa (cineál A), 4 theach scoite 4 sheomra leapa (cineál B), 3 theach scoite 4 sheomra (cineál C), 9 dteach scoite 3 sheomra (cineál D), 7 dteach scoite 3 sheomra le bóithre inmheánacha, cosáin agus spás oscailte poiblí, bealach rochtana do choisithe/rothaithe chuig an mbunscoil, agus rochtain ar an mbóthar tosaigh, naisc leis na príomhsheirbhísí príomhphíobáin, mar aon le hoibreacha forbartha suímh coimhdeacha, ag Ráth Chairn, Chontae na Mí, arna leasú ag fógra poiblí eile a fuair an t-údarás pleanála ar an 21ú lá de Shamhain, 2019.

Proposed Development:

(a) Construction of a three-storey corner side guesthouse (30 number en-suite bedrooms) with ancillary conference/meeting room facilities; ancillary car parking with access/egress on both road frontages and (b) a residential development comprising 28 number one and a half storey houses [five number five-bed detached houses (type A), four number four-bed detached houses (type B), three number four-bed detached houses (type C), nine number three-bed detached houses (type D), seven number three-bed detached houses (type E)] with internal roads, footpaths and public open space, pedestrian/cycle access way to the primary school, and access to both road frontages, connections to all mains services together with all ancillary site development works, all at Rathcairn, County Meath, as revised by the further public notice received by the planning authority on the 21st day of November, 2019.

Board Order Quashed
by the High Court

17.4.22

C. E. O'Leary

An Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas de réir na bpleananna agus na sonraí ráite bunaithe ar na cúiseanna agus na hábhair a cuireadh san áireamh agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Na hÁbhair a Cuireadh san Áireamh

Ag déanamh a chinnidh, thug an Bord aird ar na nithe áirithe a cheanglaítear air, de bhua na n-Achtanna um Pleanáil agus Forbairt agus na Rialachán arna ndéanamh fúthu, aird a thabhairt orthu. San áireamh bhí aon aighneacht agus tuairim a fuair an Bord de réir na bhforálacha reachtúla.

Cúiseanna agus Ábhair a Cuireadh san Áireamh

Ag féachaint do chuspóirí zónála B1 Lár Sráidbhaile agus A2 Cónaithe Nua don suíomh agus don Chroí-Straitéis Lonnacháin do Shráidbhaile

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Ráth Chairn i bPlean Forbartha Chontae na Mí 2013-2019, do na beartais agus do chuspóirí an phlean chun féiniúlacht Ghaeltachta an tsráidbhaile a chosaint agus a chur chun cinn agus don réiteas tionchair teanga a cuireadh isteach leis an iarratas lena n-áirítear togra chun céatadán suntasach de na haonaid chónaithe a fhorchoimeád do chainteoirí Gaeilge, tá an Bord den tuairim go raibh an fhorbairt bheartaithe de réir cuspóirí agus beartais Phlean Forbartha Chontae na Mí 2013-2019 agus go gcurifeadh sé le hinbhuanaitheacht an tsráidbhaile, nach ndéanfar sé dochar mór do thaitneamhachtaí amhairc ná cónaithe an cheantair agus go mbeadh sé, mar sin, de réir phleanáil chuí agus forbairt inbhuanaithe an cheantair.

Agus cinneadh a dhéanamh gan glacadh le moladh an Chigire chun cead a dhiúltú, chuir an Bord san áireamh go mbeadh an fhorbairt bheartaithe atá comhdhéanta de theach aíochta suite ar choinéal an chrosbhóthair agus forbairt nua cónaithe de réir chuspóirí zónála B1 Lár Sráidbhaile agus A2 Cónaithe

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, 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 comprises a guesthouse sited on the corner of the crossroads and a new residential development would be in accordance with the B1 Village Centre and A2 New Residential Development zoning objectives. Furthermore, the

Nua. Ina theannta sin, thug an Bord suntas don fhorbairt bheartaithe d'fhorbairt nua chónaithe de 30 teach (leasaithe i bhfoirm eolas breise a cuireadh isteach chuig an údarás pleanála ar 31ú lá de Dheireadh Fómhair 2019) a bhí de réir na Croí-Straitéise Lonnaíochta le haghaidh Sráidbhaile Ráth Chairn ina ndearnadh soláthar chun 40 teach a chionroinnt thar thréimhse an phlean idir 2013 agus 2019.

Agus cinneadh á dhéanamh chun cead a dheonú don fhorbairt bheartaithe, thug an Bord suntas, leis, d'ainneoin chinneadh an údaráis phleanála chun diúltú don fhorbairt bheartaithe ar an mbonn nár leor an méid spáis oscailte phoiblí, go raibh an t-údarás pleanála sásta go raibh an fhorbairt bheartaithe de réir na bhforálacha zónála don tsráidbhaile agus go bhféadfaí díriú ar an tionchar a bheadh ag an bhforbairt bheartaithe ar an oidhreacht theangeolaíoch agus chultúrtha trí thogra an iarratasóra go gcoimeádfaí 50% de na tithe do chainteoirí Gaeilge. Faoi réir coinníll a chur san áireamh chun an cheist seo a réiteach go sásúil, mheas an Bord go mbeadh an fhorbairt bheartaithe

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 31st 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 permission for 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 could be reserved for Irish speakers. Subject to the inclusion of a condition to satisfactorily address this issue, the Board considered that the proposed development would be in accordance with the zoning objectives and the core

de réir na gcuspóirí zónála agus Ina croí-straitéise, go gcuirfeadh sé le beogacht agus le hinbhuanaithe an tsráidbhaile Ghaeltachta trí thithíocht a chur ar fáil do chainteoirí dúchais agus mar sin nach mbeadh aon tionchar suntasach diúltach aige ar an nGaeilge ná ar an nGaeltacht.

Agus céatadán na dtithe a choimeádfar do chainteoirí Gaeilge á chinneadh, d'fhéach an Bord do na haighneachtaí ó chomhlachtaí forordaithe agus do na tuairimí tríú páirtí agus chinn siad go mba leor coinníoll a d'éileodh go gcoimeádfaí 70% de na tithe do chainteoirí líofa Gaeilge chun díriú ar an mbeartas náisiúnta agus áitiúil maidir le cosaint agus caomhnú a dhéanamh ar oidhreacht theangeolaíoch agus chultúrtha an tsráidbhaile. D'fhéach an Bord, leis, do chonclúidí an Ráitis Tionchair Teanga a cuireadh isteach leis an iarratas gur dóchúil gur daoine a bhfuil bá acu leis an teanga a bheidh sna tithe eile, i bhfianaise a suíomh laistigh de phobal Gaeltachta Ráth Chairn agus an Ghaeilge a bheith ina céad teanga sa phobal.

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 speakers would satisfactorily address national and local policy to protect and preserve 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.

Board Order Quashed
By the High Court
11.4.22
Signed: Secretary
M97

Coinníollacha

1. Déanfar agus críochnófar an fhorbairt de réir na bpleananna agus na sonraí a taisceadh leis an iarratas a leasaíodh le pleananna agus sonraí breise a cuireadh isteach chuig an údarás pleanála ar an 21ú lá de Shamhain 2019 agus ar an 6ú lá de Nollaig 2019 agus chuig an mBord Pleanála ar an 22ú lá d'Eanáir 2020 ach amháin mar a d'fhéadfadh a bheith riachtanach chun na coinníollacha seo a leanas a chomhlíonadh. I gcás ina gceanglaíonn na coinníollacha sin sonraí a aontófar leis an údarás pleanála, aontóidh an forbóirt na sonraí sin i scríbhinn leis an údarás pleanála sula dtosaíonn an fhorbairt agus cuirfeadh an fhorbairt i gcrích de réir na sonraí aontaithe.

An chúis: Ar mhaithe le soiléire.

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 21st day of November 2019 and the 6th day of December 2019, and to An Bord Pleanála on the 22nd 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. Déanfar 70% ar a laghad de na tithe a cheadaítear leis seo a shrianadh lena n-úsáid mar thithe dóibh siúd ar féidir leo a léiriú go bhfuil ar a gcumas teanga agus cultúr na Gaeltachta a chaomhnú agus a chosaint, ach amháin má aontaítear a mhalairt i scríbhinn leis an údarás pleanála, go ceann tréimhse 15 bliana. Cuirfidh an forbróir Ráiteas Tionchair Teanga iomlán ina mbeidh sonraí chomhlíonadh na riachtanais seo isteach chuig an údarás pleanála sula gcuirfead tús leis an bhforbairt.

Sula gcuirfead tús leis an bhforbairt, déanfaidh an forbróir comhaontú dlíthiúil leis an údarás pleanála (faoi fhorálacha alt 47 den Acht um Pleanáil agus Forbairt, 2000, leasaithe) a mbeidh sé de chuspóir leis srianadh nó rialú a dhéanamh ar chéatadán de na míreanna cónaithe den fhorbairt a cheadaítear leis seo d'úsáid áitritheoirí a bhfuil inniúlacht chuí/líofacht sa Ghaeilge acu.

Cuirfead sonraí de chaighdeán na Gaeilge atá le baint amach agus an tslí a mheasúnófar é sin isteach chuig an údarás pleanála, agus aontófar i scríbhinn iad sula dtabharfar chun

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

críche an comhaontú a leagtar coinníollacha síos maidir leis anseo. (Uathcháileoidh daoine a cháilíonn don Sceim Deontais Tithe).

Laistigh de thrí mhí de thús na forbartha, déanfaidh an forbróir comhaontú dlíthiúil leis an údarás pleanála (faoi fhorálacha alt 47 den Acht um Pleanáil agus Forbairt, 2000, leasaithe) a mbeidh sé mar chuspóir aige éifeacht a thabhairt do na srianta thuas. Ní áiteofar teach ar bith go dtí go mbeidh an comhaontú seo déanta leis an údarás pleanála de bhun alt 47 den Acht um Pleanáil agus Forbairt, 2000, leasaithe.

An chúis: A chinntiú go gcuirtear srianta oiriúnach ar fhorbairt sa cheantar ina bhfuil an suíomh suite

to the finalisation 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. Sula gcuirfeadh tús leis an bhforbairt, déanfaidh an forbróir comhaontuithe ceangail uisce agus fuíolluisce le hUisce Éireann. Ní chuirfidh an forbróir aonad cónaithe ar bith ar fáil lena háitiú go dtí go mbeidh seirbhísí uisce agus séarachais ag freastal ar an bhforbairt suiteáilte de réir na gcomhaontuithe ceangail a rinneadh le hUisce Éireann.

An chúis: A chinntiú go mbíonn socruithe sásúla uisce agus fuíolluisce i bhfeidhm chun freastal ar an bhforbairt.

4. Socruithe soláthar agus draenála uisce, lena n-áirítear uisce dromchla a thanú agus a dhiúscairt, a chomhlíonfaidh riachtanais an údaráis pleanála maidir leis na hoibreacha agus na seirbhísí sin.

An chúis: Ar mhaithe leis an bhforbairt bheartaithe a sheirbhísiú go cuí.

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.

11.4.22

Handwritten signatures and stamps

5. Cuirfear sonraí na n-ábhar, na ndathanna agus na n-uigeachtaí i gcás gach bailchríche sheachtraigh, isteach chuig an údarás pleanála agus aontófar i scríbhinn iad, sula gcuirfear tús leis an bhforbairt. Beidh an díon ar an teach aíochta agus ar na tithe uile ar dhath dubh gorm nó slinghorm (tíleanna círe san áireamh).

An chúis: Ar mhaithe le taitneamhachtaí amhairc an cheantair.

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. Comhlíonfaidh an gréasán inmheánach bóithre a fhreastalóidh ar an bhforbairt bheartaithe, lena n-áirítear cuasa iompaithe, acomhail, limistéir pháirceála, cosáin agus colbha, caighdeáin mhionsonraithe an údaráis pleanála maidir le hoibreacha bóthar den sórt sin, agus comhlíonfaidh sé ar gach slí na caighdeáin atá leagtha amach sa Lámhleabhar Dearaidh maidir le Bóithre agus Sráideanna Uirbeacha.

An chúis: Ar mhaithe le taitneamhacht agus le sábháilteacht coisithe agus tráchta.

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. Déanfar cosáin a leacú ag aomhail bóithre de réir riachtanais an údaráis phleanála. Cuirfear sonraí na suíomhanna agus na n-ábhar a úsáidfear sa leacú seo isteach chuig an údarás pleanála, agus aontófar iad i scríbhinn, sula gcuirfear tús leis an bhforbairt.

An chúis: Ar mhaithe le sábháilteacht coisithe.

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.

QUASHED

Board Order Quashed
by order of the High Court

Dated 11.4.22

Signed: Secretary



8. Coimeádfar na spásanna páirceála beartaithe d'úsáid cónaitheoirí san fhorbairt bheartaithe. Cuirfidh an forbróir 10% ar a laghad de na spásanna seo ar fáil, mar chuid d'oibreacha forbartha suímh, le stáisiúin/pointí luchtaithe feidhmithe d'fheithiclí leictreacha. Cuirfear duchtra ar fáil maidir le gach spás páirceála eile chun gur féidir stáisiúin/pointí luchtaithe feidhmithe d'fheithiclí leictreacha a shuiteáil ar dháta níos déanaí. Cuirfear tograí maidir le duchtra EV agus stáisiúin/pointí luchtaithe, de réir na riachtanas thuas, isteach chuig an údarás pleanála, agus aontófar iad i scríbhinn leis an údarás, sula gcuirfear tús leis an bhforbairt, agus cuirfear na forálacha aontaithe i gcrích sula gcuirfidh an forbróir aon cheann de na haonaid chónaithe san fhorbairt bheartaithe ar fáil lena áitiú.

An chúis: Chun soláthar a dhéanamh don fhorbairt anois agus sa todhchaí ar mhaithe le feithiclí leictreacha a úsáid.

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.

11.4.22
C. O'Leary
M.A.

9. Coimeádfar na limistéir de spás oscailte pobail a taispeánadh ar na pleananna a taisceadh leis an achomharc ar an 22ú lá d'Eanáir 2020 lena n-úsáid amhlaidh. Cuirfear ithir agus síolta sna limistéir seo agus déanfar tírdhreachú orthu de réir na scéime tírdhreachaithe a cuireadh isteach chuig an údarás pleanála ar an 31ú lá de Dheireadh Fómhair 2019. Tabharfar na hoibreacha chun críche sula gcuirfidh an forbróir aon cheann de na haonaid chónaithe ar fáil lena áitiú.

An chúis: D'fhonn forbairt shásúil na limistéir spás oscailte pobail a chinntiú agus go n-úsáidfeadh go leanúnach iad don chuspóir seo.

9. The areas of communal open space shown on the plans lodged with the appeal on the 22nd day of 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 31st 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.

QUASHED

Board Order Quashed
By order of the High Court

Dated 11.4.22
Signed: Secretary

C. O'Leary

10. Cuirfear soilsiú poiblí ar fáil de réir scéime, agus cuirfear sonraí na scéime sin isteach chuig an údarás pleanála agus aontófar iad i scríbhinn leis, sula gcuirfear tús leis an bhforbairt. Cuirfear an soilsiú sin ar fáil sula gcuirfear teach ar bith ar fáil lena áitiú.

An chúis: Ar mhaithe le taitneamhacht agus sábháilteacht phoiblí.

11. Suifear gach cábla seirbhíse a ghabhann leis an bhforbairt bheartaithe (ar nós cáblaí leictreacha, teileachumarsáide agus teilifíse comhchoitinn) faoi thalamh. Cuirfidh an forbróir duchtra ar fáil le gur féidir bonneagar leathanbhanda a chur ar fáil laistigh den fhorbairt bheartaithe.

An chúis: Ar mhaithe le sábháilteacht an phobail agus taitneamhachtaí cónaithe.

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.

Quashed
Board Order Quashed
High Court
Dated 11.4.22
Secretary
C. O'Leary
MJ.

12. An scéim tírdhreachtaíthe dar teideal Plean Tírdhreachtaíthe, a cuireadh isteach chuig an údarás pleanála ar an 31ú lá de Dheireadh Fómhair 2019, leasaithe ag leagain amach athcheartaíthe suímh a cuireadh isteach leis an achomharc ar an 22ú lá d'Fheabhra, cuirfear i gcrích é laistigh den chéad séasúr plandaithe tar éis na n-oibreacha tógála lasmuigh a bheidh críochnaithe go substaintiúil.

Déanfar gach plandú a chosaint go leordhóthanach ar dhamáiste go dtí go mbeidh siad ag fás go maith. Déanfar aon phlandaí a chailltear, a bhaintear nó a thagann chun bheith damáistithe nó galraithe laistigh de thréimhse chúig bliana ó chríochnú na forbartha a athsholáthar sa chéad séasúr plandaithe eile le plandaí eile den mhéid agus den speiceas céanna, mura n-aontaítear a mhalairt i scríbhinn leis an údarás pleanála.

An chúis: Ar mhaithe le taitneamhacht cónaithe agus amhairc.

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

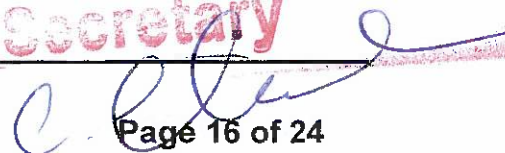
All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

Board Order Quashed
By order of the High Court

Dated 11.4.22

Signed: Secretary



13. Cuirfear moltaí maidir le hainm an eastáit/na forbartha, scéim d'uimhriú na n-aonad agus an chomharthaíocht ghaolmhar isteach chuig an údarás pleanála agus aontófar iad i scríbhinn leis an údarás, sula gcuirfear tús leis an bhforbairt. As sin amach, cuirfear gach comhartha eastáit agus sráide, agus uimhreacha tí ar fáil de réir na scéime aontaithe. Beidh an t-ainm molta bunaithe ar ghnéithe stairiúla nó topagrafaíochta sa cheantar, nó ar mhalairtí a bheidh inghlactha don údarás pleanála. Ní chuirfear aon fhógraí/comharthaí margaíochta maidir le hainm na forbartha in airde go dtí go mbeidh aontú scríofa maidir leis an ainm beartaithe faighte ag an bhforbróir ón údarás pleanála.

An chúis: Ar mhaithe le hinléiteacht uirbeach agus le cinntiú go n-úsáidfeadh logainmneacha atá oiriúnach don cheantar le haghaidh áiteanna nua cónaithe.

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.

Board Order Quashed
High Court

Dated 11.4.22

Signed: Secretary



14. Déanfar plean ina mbeidh sonraí maidir le bainistíocht dramhaíola (agus go háirithe ábhair in-athchúrsálte) san fhorbairt, lena n-áirítear áiseanna a chur ar fáil chun dramhaíl agus ábhair in-athchúrsálte a stóráil, a leithroinnt agus a bhailiú a chur isteach chuig an údarás pleanála agus a aontú i scríbhinn leo sula gcuirfear tús leis an bhforbairt. Ina dhiaidh sin, bainistíofar an dramhaíl de réir an phlean aontaithe.

An chúis: Chun soláthar a dhéanamh do bhainistíocht chúí dramhaíola agus go háirithe d'ábhair in-athchúrsálte, ar mhaithe leis an timpeallacht a chosaint.

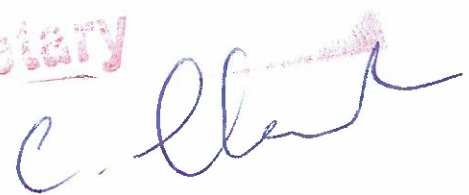
14. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning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

QUASHED

Board Order Quashed
By the High Court

Dated 11.4.22
Signed: Secretary



15. Ní chuirfear forbairt láithreáin agus oibreacha tógála i gcrích ach amháin idir na huaireanta 0800 go 1900 Luan go hAoine agus an dá lá sin san áireamh agus idir 0800 agus 1400 ar an Satharn. Ní dhéanfar aon obair ar an Domhnach ná ar laethanta saoire poiblí. Ní cheadófar imeacht ó na hamanna seo ach amháin i gcásanna eisceachtúla ina gcuireann an t-údarás pleanála ceadú ar fáil roimh ré.

An chúis: Chun taitneamhachtaí cónaithe réadmhaoine sa chomharsanacht a chosaint.

15. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

QUASHED

Board Order
Ty...

11.4.22

Secy

C. O'Leary

16. Bainisteofar tógáil na forbartha de réir Phlean Bainistíocht Tógála mionsonraithe, a chuirfear isteach chuig an údarás pleanála agus a aontófar leis i scríbhinn, sula gcuirfear tús leis an bhforbairt. Cuirfear ar fáil sa phlean seo sonraí an chleachtais tógála a bheartaítear san fhorbairt, lena n-áirítear bearta bainistithe torainn agus socruithe chun dramhaíl foirgníochta/scartála a dhiúscairt amach ón láithreán.

An chúis: Ar mhaithe le sábháilteacht an phobail agus taitneamhachtaí cónaithe.

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.

QUASHED

Board Order Quashed
By order of the High Court

Dated 11.4.22

Signed: Secretary



17. Sula gcuirfear tús leis an bhforbairt, déanfaidh an t-iarratasóir nó duine eile a bhfuil leas aige sa talamh lena mbaineann an t-iarratas comhaontú i scríbhinn leis an údarás pleanála maidir le tithíocht a chur ar fáil de réir riachtanais alt 94(4) agus alt 96(2) agus (3) (Cuid V) den Acht um Pleanáil agus Forbairt 2000 leasaithe, ach amháin más amhlaidh gur chóir iarratas a bheith déanta ar dheimhniú díolúine agus é a bheith deonaithe faoi alt 97 den Acht, leasaithe. I gcás nach ndéantar comhaontú mar sin laistigh d'ocht seachtaine ó dháta an ordaithe seo, is féidir go ndéanfaidh an t-údarás pleanála nó aon pháirtí ionchasach eile i gcomhaontú an t-ábhar atá faoi dhíospóid (seachas ábhar a mbaineann alt 96(7) leis) a tharchur chuig an mBord Pleanála lena chinneadh.

An chúis: Riachtanais Chuid V den Acht um Pleanáil agus Forbairt 2000 leasaithe, agus den straitéis tithíochta sa phlean forbartha don cheantar, a chomhlíonadh.

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.

C. O'Leary

18. Sula gcuirfear tús leis an bhforbairt, déanfaidh an forbróir éarlais airgid thirim, banna ó chomhlacht árachais, nó urrús eile a thaisceadh leis an údarás pleanála chun bóithre, cosáin, príomhphíobáin uisce, draenacha, spás poiblí oscailte agus seirbhísí eile is gá i dtaca leis an bhforbairt a chur á soláthar agus á gcríochnú go sásúil, mar aon le comhaontú a chumhachtaíonn don údarás pleanála an t-urrús sin nó cuid de a chur i bhfeidhm chun aon chuid den fhorbairt a chur á críochnú go sásúil. Beidh foirm agus méid an urrúis mar a aontófar é idir an t-údarás pleanála agus an forbróir, nó in éagmais comhaontaithe, déanfar é a tharchur chuig an mBord Pleanála é lena chinneadh.

An chúis: Chun críochnú sásúil na forbartha a chinntiú.

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.

Board Order Quashed
by order of the High Court

Dated 11.4.22

Signed: Secretary



19. Íocfaidh an forbróir leis an údarás pleanála ranníocaíocht airgeadais maidir le bonneagar agus saoráidí poiblí a théann chun leasa forbartha i gceantar an údaráis pleanála a chuirtear ar fáil nó atá ceaptha le cur ar fáil ag nó thar ceann an údaráis de réir théarmaí na Scéime don Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht um Pleanáil agus Forbairt 2000, leasaithe. Íocfar an ranníocaíocht sula gcuirfead tús leis an bhforbairt nó ina thráth-íocaíochtaí de réir mar a éascóidh an t-údarás pleanála agus beidh sí faoi réir aon fhorálacha ábhartha innéacsaithe den Scéim ag uair na híocaíochta. Aontófar sonraí chur i bhfeidhm théarmaí na Scéime idir an t-údarás pleanála agus an forbróir nó, mura ndéantar comhaontú den sórt sin, déanfar an cheist a tharchur chuig an mBord Pleanála chun cur i bhfeidhm cuí théarmaí na Scéime a chinneadh.

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.

Board Order Quashed
By order of the High Court

Dated 11.4.22

Signed: Secretary



An chúis: Is riachtanas é faoin Acht um Forbairt agus Pleanála 2000, leasaithe, coinníoll a cheanglaíonn ranníocaíocht de réir na Scéim Ranníocaíochta Forbartha a dhéanamh faoi al 48 den Acht a chur ag gabháil leis an gcead.

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.

DR. Maria FitzGerald

Maria FitzGerald

Comhalta den Bhord Pleanála atá údaraithe chun séala an Bhord a fhíordheimhniú

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dátaithe ar an cúigiú-dag lá seo de Meitheamh 2020

QUASHED

**Board Order Quashed
By order of the High Court**

**Filed 11.6.22
Signed: Secretary**

C. O'Connell