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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: 20/473**

**Appeal** by Tydavnet Tidy Towns Committee care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 24<sup>th</sup> day of February, 2021 by Monaghan County Council to grant subject to conditions a permission to PDES Limited care of Genesis Planning Consultants of 27 Patrick Street, Newry, County Down in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (a) Site works to facilitate the proposed development to include general site clearance works. (b) Creation of a new access point to the lands from the public road with provision of a new internal access road to facilitate vehicular and pedestrian access. (c) Provision of a residential development comprising 13 number units in total as follows: House type A – four number four bed detached dwellings, House type B – four number three bed detached dwellings, House type C – two number three bed detached dwellings, House type D - three number four bed detached dwellings. (d) Provision of associated garden areas and in-curtilage works for each dwelling to include parking and boundary treatments as required. (e) Provision of a residential communal open space area to include all hard and

soft landscape works within the site which includes public lighting, planting works and boundary treatments. (f) Associated site works and attenuation systems as well as all ancillary site development/construction works to facilitate site drainage and foul networks for connection to the existing foul, storm and water networks along with connection works to the ESB network, all on lands opposite and east of Tedavnet Community Centre, Tedavnet, County Monaghan. The proposed development was revised by further public notices received by the planning authority on the 29th day of January, 2021.

## **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

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives set out in the National Planning Framework, issued by the Department of Housing, Planning and Local Government in 2019,
- (b) the policies and objectives set out in the Monaghan County Development Plan 2019-2025,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016,
- (d) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2018,
- (e) the Design Manual for Urban Roads and Streets, DMURS 2013, as extended,
- (f) the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in, 2009,
- (g) the nature, scale and design of the proposed development,
- (h) the land use zonings of the site,
- (i) the pattern of existing and permitted development in the area,

- (j) the submissions and observations received,
- (k) the decision of the planning authority, and
- (l) the report of the Senior Planning Inspector

and considered that, subject to compliance with the conditions set out below, the proposed development would represent an acceptable and appropriate design response to the site and surrounding settlement, would provide an acceptable level of residential amenity for future residents and would not seriously injure the residential or visual amenities of adjoining properties or seriously injure the character of the area. The proposed development 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 noted that the site is located within Tydavnet, a designated Tier 5 "Rural Community Settlement" within the Monaghan County Development Plan 2019-2025. Policy RSO 2 of that plan seeks "To permit small scale residential development reflective of the character of the existing settlement in accordance with the relevant criteria set out section 2.7.1".

The Board considered that the proposed development, having regard to its layout and form and associated open space, would be not conflict with the pattern of development in Tydavnet, and would be in accordance with the guidance set out in the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009' or the guidance set out within Section 15.7.8 of the Monaghan County Development Plan 2019-2025 or Policies CSP 5, RDP 2, RSO 2 and Objective SIO3 of that plan.

## 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 29<sup>th</sup> day of January, 2021, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1300 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.

6. 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 interests of amenity and public safety.

7. 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. All existing over ground cables shall be relocated underground as part of the site development works.

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

8. Proposals for an estate/street name, house 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(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

11. 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.

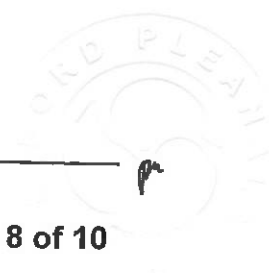
**Reason:** In the interest of amenity and of traffic and pedestrian safety.

12. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy and the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

13. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.





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, in particular, recyclable materials and for the ongoing operation of these facilities 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. 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 and maintenance until taken in charge by the local authority 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 or maintenance 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 and maintenance of the development until taken in charge.

16. 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.



Paul Hyde

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

Dated this 28<sup>th</sup> day of September 2021.