



An
Bord
Pleanála

Board Order

ABP- 313669-22

Planning and Development Acts 2000 to 2022

Planning Authority: Monaghan County Council

Planning Register Reference Number: 22/105

Appeal by Niall Leech of 4 Sean Mhuilleann, Ballinode, County Monaghan against the decision made on the 4th day of May, 2022 by Monaghan County Council to grant subject to conditions a permission to RPK Construction Limited care of JNP Architects of 30 Northwood Court, Northwood, Santry, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: 22 number dwelling houses comprising detached and semi-detached units (11 number three bedroom, two storey units; four number two bedroom, two storey units; five number two bedroom, single storey units; two number four bedroom, two storey units) plus landscaped open space, new access roads, drainage, street lighting and site works on lands adjacent to Sean Mhuileann, Ballinode, County Monaghan.

Decision

GRANT permission/outline 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.

Reasons and Considerations

Having regard to the location of the proposed development adjoining the village of Ballinode, its detailed layout and design and provision of social housing, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies of the current Meath County Development Plan, would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of public health, flood risk and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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) The development shall be used for social housing purposes only.

(b) 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.

3. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

4. Prior to commencement of development, the developer shall submit a geotechnical report demonstrating the adequacy of the retaining structures to the written satisfaction of the planning authority.

Reason: In the interest of public safety.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

6. 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 public health.

7.
 - (a) 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.
 - (b) Recommendations of the Stage 1/2 Road Safety Audit shall be carried out to the satisfaction of the planning authority.
 - (c) Upon completion of works, a Stage 3 Road Safety Audit shall be completed and submitted to planning authority for written agreement.

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

8. 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 site compound, car and truck parking, management of surface water during construction, noise management measures and off-site disposal of construction/demolition waste.

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

9. Prior to the commencement of development, a Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority for implementation during the construction phase of the development.

Reason: In the interest of traffic safety.

10. Public lighting shall be provided in accordance with the Public Lighting Design Report, to the satisfaction of 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.

11. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998, except where superseded by the planning authority's "Taking in Charge Policy, technical guidance document (WSTGD 2008) and "Storm water Technical Guidance Document 2017". 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.

12. The landscaping scheme shown on Proposed Landscape Layout drawing number PRK/BHS/0921, received by the planning authority on the 10th day of March, 2022 shall be carried out within the first planting season following substantial completion of external construction works and shall be permanently retained thereafter. In addition, prior to the commencement of development, details of the following shall be submitted to the planning authority for written agreement.
- (a) omission of fencing along the eastern side of the public open space and additional planting along this boundary to strengthen the existing hedgerow,
 - (b) additional planting along the northern and north-eastern boundaries of the site, to include native hedgerow and hedgerow tree species, and
 - (c) detailed arrangements for the protection of mature trees and hedgerow along/defining the eastern and western boundaries of the site during construction and permanently thereafter. This shall include details of construction methodology for works occurring within the canopy of all of these trees, to ensure that damage to trees does not occur.

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 five 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 interest of residential and visual amenity.

13. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, 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.

14. (a) The recommendations of the Ecological Survey and Appropriate Assessment Screening Report (November 2021), Table 4, shall be carried out in full.
- (b) Prior to the commencement of development, a detailed programme of works to address invasive species shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of biodiversity.

15. Site development and building works shall be carried out only between the hours of 0700 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. 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 interests of visual and residential amenity.

17. 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.

18. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works to junction of Sean Mhuileann and Main Street. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



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

Dated this 29th day of August 2023.