

An  
Bord  
Pleanála

## Board Order ABP-315240-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Louth County Council**

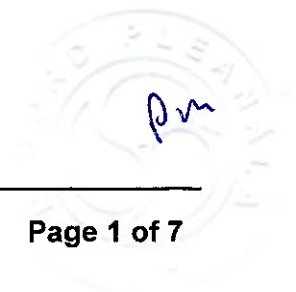
**Planning Register Reference Number: 22/612**

**Appeal** by Patricia and Catherine White and Mary McWilliams of Cottage Lane, Sandy Lane, Blackrock, Dundalk, County Louth against the decision made on the 10<sup>th</sup> day of November, 2022 by Louth County Council to grant subject to conditions a permission to Marian Brannigan care of P. Herr and Associates of Block 4, Level 3, Quayside Business Park, Mill Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a dwellinghouse and all associated site development works at Cottage Lane, Blackrock, County Louth, as revised by the further public notices received by the planning authority on the 18<sup>th</sup> day of October, 2022.

### **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.**



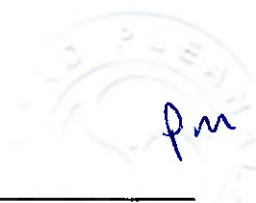
## Reasons and Considerations

Having regard to the Louth County Development Plan 2021-2027, and all material considerations, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, would provide an acceptable standard of residential amenity for the prospective residents, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation, drainage proposals, or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 received by the planning authority on the 18<sup>th</sup> day of October, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. (a) No work shall commence on site until the new site entrance is constructed onto the local road as illustrated on the site layout plan received by the planning authority on the 18th day of October, 2022.
- (b) The area within the visibility splay for the hereby approved site entrance shall be cleared to provide a level surface no higher than 250 millimetres above the level of the adjoining carriageway and shall be retained and maintained clear thereafter.
- (c) All necessary measures shall be taken by the developer to prevent the spillage or deposit of any materials, including clay rubble or other debris, on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the developer's own expense.
- (d) The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction works and shall either make good any damage to the satisfaction of the planning authority or pay the planning authority the cost of making good any such damage upon issue of such a requirement by the planning authority.

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

3. (a) The proposed boundary walls shall be erected within the confines of the site. The boundary wall as marked B-C, as shown on the site layout plan received by the planning authority on the 18<sup>th</sup> day of October, 2022 shall be erected no nearer the pedestrian walkway on the south side of the proposed site than the existing concrete post fence. The areas between the proposed boundary walls and the existing Cottage Lane and pedestrian walkway shall be made good following the construction of the walls.

- (b) The proposed boundary walls as marked A-B-C and D-E on the site layout plan received by the planning authority on the 18<sup>th</sup> day of October, 2022 shall be maintained at 1.2 metres high above ground level.

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

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 public health and surface water management.

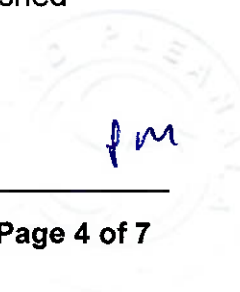
5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

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

6. 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. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and which shall not include prunus species.
- (ii) Details of screen planting which shall not include cupressocyparis x leylandii.
- (iii) Details of roadside/street planting which shall not include prunus species.
- (iv) Hard landscaping works, specifying surfacing materials, and finished levels.



- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation, including details of phasing.

All planting shall be carried out in the first planting season following commencement of development, shall be adequately protected from damage until established, and shall be maintained so as not to block and/or interfere with the vehicles and pedestrians using the adjacent public road and walkways. 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.

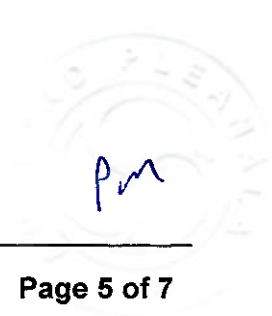
**Reason:** In the interest of residential and visual amenity.

- 7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

- 8. 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.

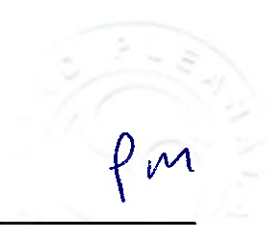


9. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

**Reason:** In the interest of residential amenity and to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellinghouse.

10. The construction of the proposed 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 all intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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



11. 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. The application of any indexation required by this condition 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.

**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.



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**Peter Mullan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *28<sup>th</sup>* day of *November*, 2023.