



An
Bord
Pleanála

Board Order
ABP-321598-25

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 2460249

Appeal by Dianne and Aidan Crosby of Santa Monica House, Rathbrist, Tallanstown, County Louth against the decision made on the 2nd day of December, 2024 by Louth County Council to grant subject to conditions a permission to Rainberry Limited care of McGuigan Architects of 6 Plantation Terrace, Monaghan in accordance with plans and particulars lodged with the said Council:

Proposed Development: (i) Construction of eight number two-storey, three bedroom dwellings, six number semi-detached and two number detached; (ii) connection and extension to existing road and footpath network; (iii) provision of attenuation storage; (iv) connection to existing storm and foul drainage system and all associated site works. Significant further information received by the planning authority on the 8th day of November 2024: (1) Amendment to site layout; (2) Amendment to boundary planting and landscaping; (3) Revised dwelling plans; (4) Amended drainage details to layout at Rathbrist, Tallanstown, County Louth.

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 A1 – Existing Residential' zoning objective of the site, the objective for which is 'To protect and enhance the amenity and character of existing residential communities' and to the planning policies, objectives and development standards of the Louth County Development Plan 2021-2027 and to the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and 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, as amended by the further plans and particulars received by the planning authority on the 8th day of November 2024, 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. The access road hereby permitted shall facilitate any future development of lands currently zoned Strategic Land Reserve in the Louth County Development Plan 2021-2027 (as varied) to the north and west of the site as illustrated by Road Layout Plan (Drawing Number A2315-02) received by the planning authority on the 8th day of November 2024.

Reason: In the interest of proper planning of future development of adjoining lands.

3. 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 and to ensure an appropriate high standard of development.

4. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved hard and soft landscaping and boundary treatments submitted on the revised Landscaping Plan, Site Layout Plan and Boundary Treatment Plan received by the planning authority on the 8th day of November 2024 shall be carried out in the first planting season following the commencement of development and permanently retained thereafter or as otherwise agreed in writing with the planning authority. Any planting which fails in the first five planting seasons shall be replaced.

Reason: In the interest of biodiversity and the visual amenities of the area.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/ or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

7. (a) The existing overhead electrical cables shall be relocated underground, as illustrated on the Site Layout Plan received by the planning authority on the 8th day of November 2024, at the developer's expense and to the requirements of the relevant utility companies.
- (b) All service cables associated with the proposed development (such as electrical, public lighting, 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.

8. Prior to occupation of the development all in-curtilage car parking spaces serving the 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.

9. Site development and building works shall be carried out 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

10. Good site management practices shall be employed by the developer during the site construction and development to prevent discharge of contaminated waters. Measures shall be put in place during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road. Silt traps and/or inceptors shall be maintained at regular intervals during the course of construction work. During construction, all site vehicles shall be parked within the boundary of the development.

Reason: In the interests of orderly development and environmental protection.

11. Proposals for an estate 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. 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 orderly development and urban legibility.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

13. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

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14. (a) Prior to the commencement of 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, that restricts all relevant residential 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.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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.

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.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this 12th day of May 2025