



An
Coimisiún
Pleanála

Commission Order
ABP-322477-25

Planning and Development Act 2000, as amended

Planning Authority: Monaghan County Council

Planning Register Reference Number: 24/60456

Appeal by Brendan and Mary Buckley of Golden Road, Killygowan, Monaghan Town, County Monaghan and by Gerard and Bernadette Coyle of Golden Road, Killygowan, County Monaghan against the decision made on the 24th day of April, 2025 by Monaghan County Council to grant subject to conditions a permission to Clarlan Limited care of Paul McGuigan of 6 Plantation Terrace, Monaghan, County Monaghan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 34 number dwellings to include eight number five-bed three-and-a-half-storey semi-detached dwellings, two number four-bed three-storey detached dwellings, two number three-bed three-storey semi-detached dwellings, 18 number three-bed two-storey semi-detached dwellings, four number two-bed two-storey semi-detached dwellings. Communal open space, private amenity together with necessary boundary treatments and landscaping. New vehicular and pedestrian access from Glenview Heights. New pedestrian connection to Cootehill Road. New connections to existing mains storm and foul drainage system. All associated

site works, all at Killygowan, Monaghan, County Monaghan, as revised by the further public notices received by the planning authority on the 28th day of March, 2025 which included a Flood Risk Assessment, amended site boundary, amendments to open space, alterations to plans and elevations with revised unit types, and revised street lighting design and boundary treatments.

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

The Commission made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended, and
- the Climate Action Plan 2024 and Climate Action Plan 2025.

Having regard to the provisions of the residential zoning objective of the site, its location in proximity to Monaghan Town Centre, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and flooding. The Commission also noted the topography of the site and the layout of the scheme and considered that the dwellings were acceptable in terms of building height. The proposed development would, therefore, be in

accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The subject land is not directly adjacent to a European site. The closest such site to the appeal site is the Slieve Beagh Special Protection Area (site code 004167) which is located to 13.3 kilometres to the northwest of the appeal site and the Kilroosky Lough Cluster Special Area of Conservation (site code 001786) which is located circa 18.26 kilometres to the southwest of the site. It is noted that there is no hydrological connection between the site and either European site. The Commission considers that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on any European site and that Appropriate Assessment is not, therefore, required.

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 28th day of March, 2025, 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) Mitigation and monitoring measures outlined in the plans and particulars, including the Site-Specific Flood Risk Assessment, Surface Water Management Plan/Water Protection Checklist, Road Safety Audit and Outdoor Lighting Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.
- (b) Prior to commencement of development, the developer shall submit a comprehensive list of mitigation and monitoring measures from the named reports and a corresponding timeline/schedule for implementation of same to the planning authority for written agreement.

Reason: In the interest of protecting the environment, public health, and in the interest of clarity.

3. No development shall commence on site until such time as the following requirements have been agreed and complied with:
- (a) Requirements of the planning authority's Roads Design Section, Environment Section and Public Lighting Section to be agreed in writing.
 - (b) All amenity/open spaces, roads, footpaths, public lighting, water and wastewater services shall be completed in accordance with the standards and conditions set out in the Departmental publication Recommendations for Site Development Works for Housing Areas, except where superseded by the planning authority's Taking in Charge Policy, technical guidance document (WSTGD 2008) and Storm Water Technical Guidance Document 2017.
 - (c) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.
 - (d) A revised site services layout plan and details, clarifying proposed Cover Level (CL) and Invert Level (IL) for 'F20' located to northeast of proposed dwelling unit number 19.
 - (e) Site layout drawings, with respect to the location and extent of the proposed estate railing (S11) defining the western roadside boundary of proposed dwelling unit numbers 1 to 6.

Full details shall be agreed with the planning authority prior to commencement of development and all works shall be completed by the developer to the satisfaction of the planning authority prior to the occupation of any house within the proposed development.

Reason: In the interest of roads and traffic safety, protection of the natural environment, public health and the proper planning and sustainable development of the area.

4. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards ('Taking in Charge Procedures for Private Housing Developments (2010)) or any new or updated/subsequent versions. 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.

5. Prior to commencement of development and/or occupation of the residential units, as applicable, a final Road Safety Audit(s) and/or Quality Audit(s) of the development, including the main entrance, internal road and path layouts, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of sustainable transportation, and traffic and pedestrian safety.

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. 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, or until the development is taken in charge by the planning authority, whichever is the sooner, 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. The area shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.

Reason: In the interest of the amenities of the occupants of the proposed development.

8. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all 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 and to ensure the use of locally appropriate place names for new residential areas.

9. (a) Prior to 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) pursuant to Section 47 of the Planning and Development Act 2000, as amended, 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.

10. Prior to the commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann (Irish Water) 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.

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 interests of visual and residential amenity.

12. 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 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 residential amenities of property in the vicinity.

13. Prior to commencement of development, the developer shall submit a detailed Construction and Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

- (a) Measures to ensure that there is no impact on the rear boundary wall and hedgerows of the abutting properties.
- (b) The collection and disposal of construction waste.
- (c) Details of surface water run-off from the site.
- (d) Details of on-site road construction.
- (e) Environmental management measures during construction, including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the proposed development.

Reason: In the interest of environmental protection, residential amenities, public health and safety, and environmental protection.

14. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

15. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

16. 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 Coimisiún 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.

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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

18. 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 Coimisiún 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.


Declan Moore

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 8th day of September 2025.