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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 24/60145**

**Appeal** by Keith Moran and Conor and Mary Wall and by others against the decision made on the 9<sup>th</sup> day of May, 2025 by Carlow County Council to grant, subject to conditions, a permission to Elmendorf Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of 64 number houses (eight number four bedroom and 56 number three bedroom houses), which will form Phase 1 of the overall development of the wider site and will comprise of the following mix of two-storey semi-detached and terraced housing units within an overall mix of:- 46 number two-storey semi-detached dwelling units (five number four bedroom houses (House type A); and 41 number three bedroom houses (16 number house type B and 25 number house type C); and - 18 number two-storey terraced dwelling units that are contained within five number terraces (three number terraces of four units each containing three number four bedroom houses (House type A) and nine number three bedroom units (House type B); and two number terraces of three units each (six number three bedroom houses - House type C). The development will include the creation of a new vehicular access and a separate pedestrian access into the site off the Link Road (R725) that will provide access to all houses that will each be served by two number car parking spaces (128 car parking spaces

overall); as well as all internal access roads and footpaths; hard and soft landscaping; boundary treatments and all infrastructural and ancillary site development works on a site of 2.2 hectares at the Link Road, Chapelstown, Carlow, County Carlow.

## **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 provisions of the Carlow County Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Carlow - Graiguecullen Joint Urban Local Area Plan 2024-2030, and the design, scale and layout of the proposed development and pattern of existing and proposed development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an appropriate form of development at this location and would provide for a good quality of residential amenity for future residents. Furthermore, the proposed development would not adversely impact upon the residential amenity of the area, would be acceptable in terms of traffic and pedestrian safety, would be acceptable in terms of wastewater and would not have an adverse impact on water quality or the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

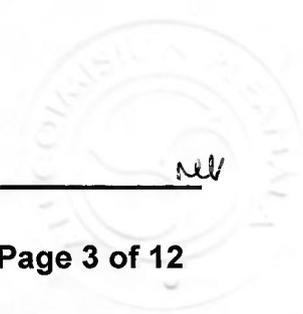
## Appropriate Assessment Screening

In completing the screening for an Appropriate Assessment, the Commission accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European sites which could potentially be affected and the identification and assessment of the potential likely significant effects of the proposed development either individually or in combination with other plans or projects, would not have a significant effects on European sites, including (but not limited to) the River Barrow and River Nore Special Area of Conservation (Site code: 002162) and the Slaney River Valley Special Area of Conservation (Site code: 000781) in view of the sites' conservation objectives, and concluded that a Stage 2 Appropriate Assessment is not, therefore, required.

## 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 14<sup>th</sup> day of April, 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 development shall be carried out and completed in accordance with the agreed particulars.

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



2. (a) The design of the proposed pedestrian/cycle connection located along the western boundary of the site shall be submitted for the written agreement of the planning authority prior to the commencement of development.
- (b) The pedestrian/cycle connection located along the western boundary of the site shall be operational prior to the occupation of any dwelling on site.

**Reason:** In the interests of pedestrian and cycle safety.

3. The western boundary of the development site shall be agreed in writing with the planning authority prior to the commencement of development. All remaining boundary treatments shall be implemented and constructed in accordance with plans submitted prior to the first occupation of the proposed development, unless otherwise agreed in writing with the planning authority.

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

4. 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.

5. 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 and to ensure the use of locally appropriate placenames for new residential areas.

6. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to the planning authority for written agreement prior to the commencement of development. All mitigation measures set out within these plans shall be implemented in full.

**Reason:** In the interests of amenities, public health and safety and environmental protection.

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 interest of visual amenity.

8. The site shall be landscaped in accordance with the Landscape Plan submitted to the planning authority on the 29<sup>th</sup> day of May 2024, and the 14<sup>th</sup> day of April 2025. 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 local 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 interests of residential and visual amenity.

9. The development hereby permitted shall be carried out and completed to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as 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. 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.

10. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

11. 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.

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

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 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.

13. (a) Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.
- (b) The dwellings shall not be occupied until the completion of the interim upgrade works at Mortarstown Wastewater Treatment Plant.

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

14. All drainage arrangements, including 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 to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interests of public health and surface water management.

15. (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), 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.

16. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out an archaeological assessment of the development site. If, during the course of site works any archaeological material is discovered, the City/County Archaeologist/Planning Authority shall be notified immediately. (The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)

**Reason:** In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

17. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or 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 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 for the area.

18. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security as may be accepted in writing by the planning authority to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, car parks, open spaces 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.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. 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.

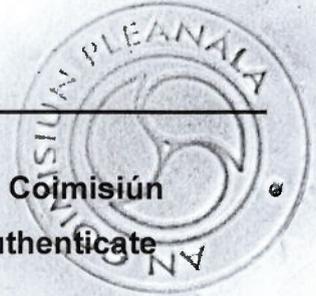
*Mary Gurrie*

**Mary Gurrie**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**



**Dated this** *12* **day of** *February* **2026.**