

An
Coimisiún
Pleanála

Commission Order
ABP-323032-25

Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

Planning Register Reference Number: 2460340

Appeal by Aloha Mullavelley Limited care of Pdraig Herr and Associates of Block 4, Level 3, Quayside Business Park, Mill Street, Dundalk, County Louth against the decision made on the 18th day of June 2025, by Louth County Council to refuse permission for the proposed development.

Proposed Development: Permission for (a) construction of 20 number residential units comprising of: (i) five number two storey, three bed dwelling houses in one number terrace block; (ii) 10 number two storey, two bed dwelling houses in two number terrace block of five units in each block; (iii) one number detached two storey four bed dwelling house fronting onto Howe's Hill; (iv) one number detached two storey two bed dwelling house; (v) one number detached single storey one bed dwelling house; (vi) partial demolition, extension, renovation, restoration and subdivision of Prospect House, a two storey dwelling house into two separate dwelling houses. Prospect House is a Protected Structure within the Louth County Development Plan 2021-2027 (Reference LH005-067); (b) demolition of existing outbuilding and (c) associated site development works including hard and soft landscaping, planted weldmesh retaining wall, self-contained ecological/wildlife corridor, connection to mains sewerage, installation of new

surface water drainage system, mixed boundary treatments, provision of public amenity space at Howe's Hill/Mullach Alainn, Knocknagoran, Omeath, County Louth, as amended by the further public notices received by the planning authority on the 13th day of May, 2025 for revised development to include: Construction of 17 number residential units comprising of: (i) Four number two storey, three bed terraced dwelling houses and eight number associated parking spaces; (ii) 12 number duplexes in two number blocks comprising of four number sub-basement, one bed units; and eight number, two storey, three bed units, 40 number bicycle parking spaces (32 number resident and eight number visitor), secure bin storage area and creation of 18 number parking spaces including four number EV charging points and two number disabled, (iii) one number detached two storey four bed dwelling house fronting onto Howe's Hill and two number associated parking spaces.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the nature, scale, layout and design of the proposed residential development, and to the existing and permitted pattern of development in the area, including the existing residential development and Protected Structure within the Mullach Alainn estate, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the policies and objectives of the Louth County Development Plan 2021-2027, including having regard to the 'A1 Existing Residential' and 'A2 New Residential Phase 1' land use zoning

objectives for the area, and having regard to Policy Objectives HOU17, HOU20, HOU24, HOU25, IU19, NGB3, and OTH 3 of the County Development Compact Settlements issued by the Department of Housing, Local Government and Heritage in January 2024, and the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023. The proposed development would not impact unduly on residential amenities, traffic, public health or the local environment and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Carlingford Shore Special Area of Conservation (Site Code: 002306), Carlingford Lough Special Protection Area (Site Code: UK9020161), Carlingford Lough Special Protection Area (Site Code: 004078) and Carlingford Mountain Special Area of Conservation (Site Code: 000453) are the only European Sites in respect of which the proposed development has the potential to have a significant effect, in view of the Conservation Objectives for these sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on Carlingford Shore Special Area of Conservation (Site Code: 002306), Carlingford Lough Special Protection Area (Site Code: UK9020161), Carlingford Lough Special Protection Area (Site Code: 004078) and Carlingford Mountain Special Area of Conservation (Site Code: 000453), in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to these sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives, and that there is no reasonable scientific doubt as to the absence of such effects.

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 6th day of May 2025, and as further revised by the plans and particulars received by An Coimisiún Pleanála on the 14th day of July 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. This grant of planning permission shall be for 15 residential units only, in accordance with plans and particulars submitted with appeal.

Reason: In the interest of clarity.

3. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a revised internal layout for the first floor of the proposed duplex blocks to ensure appropriate floor to ceiling heights are achieved in line with relevant provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2023.

Reason: In the interest of residential amenity.

4. The following shall be complied with:

- (a) Design and construction of the proposed planted weldmesh retaining wall shall be supervised and certified by a competent Structural Engineer.
- (b) Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of public amenity, safety and health.

5. The following shall be complied with:

- (a) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and 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. 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.
- (b) A total of six number electric vehicle (EV) spaces shall be provided as part of the proposed development, in line with Section 13.16.9 'Charging Points for Electric Vehicles' of the Louth County Development Plan 2021-2027.

Reason: In the interest of sustainable transportation.

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6. The 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 interests of sustainable drainage.

7. The following shall be complied with:

- (a) The areas of public open space shown on the submitted plans shall be reserved for such use. These areas shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to An Coimisiún Pleanála on the 14th day of July 2025. This work shall be completed before any of the dwellings are made available for occupation, unless otherwise agreed in writing with the planning authority.
- (b) The boundaries to the permeable paved area on the eastern side of the proposed duplex blocks shall be 1.8 metres in height and construction to ensure the security of the proposed blocks. Internal divisions measuring 1.8 metres in height within this space to ensure the security of each ground floor unit shall also be provided.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. The mitigation measures contained in the submitted Roost Inspection Bat Survey Report (Section 5.0) prepared by Gannon and Associates and submitted to the planning authority on the 6th day of May 2025, shall be fully implemented.

Reason: To protect local wildlife.

9. The mitigation measures contained in the submitted Japanese Knotweed Management Plan (Sections 4.0 and 5.0) prepared by ATG Group and submitted to the planning authority on the 6th day of May 2025, shall be fully implemented.

Reason: To protect the local biodiversity and habitats.

10. The mitigation measures contained in the submitted Natura Impact Statement shall be fully implemented.

Reason: To protect the integrity of European Sites.

11. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, invasive species, and project roles and responsibilities.

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

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 and 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: To safeguard the amenity of property in the vicinity.

13. 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.

14. Prior to commencement of development, the developer 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 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.

15. Proposals for an estate/street name, residential unit 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 residential unit 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.

16. The developer shall engage a suitably qualified (license eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the National Monument Service (NMS). Prior to the commencement of such works, the archaeologist shall consult with, and forward to, the NMS, a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation including preservation in-situ/excavation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site, and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report, describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

17. (a) Prior to the commencement of the development as permitted, the developer 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

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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 developer 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 developer, 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.

18. The management and maintenance of the proposed development, including all common and landscaped areas and boundary treatment where appropriate, following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development or parts 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. Specific details of maintenance and access to the area between House Types 1,2 and the site's northeastern boundary (shown in green on the Boundary Treatment Plan received by An Coimisiún Pleanála on the 14th day of July 2025) shall be detailed.

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

19. Prior to the commencement of development on the Protected Structure, Prospect House, the developer shall submit for the written agreement of the planning authority confirmation that:

- (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation, and
- (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

Reason: In the interest of the protection of architectural heritage, in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

20. 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.

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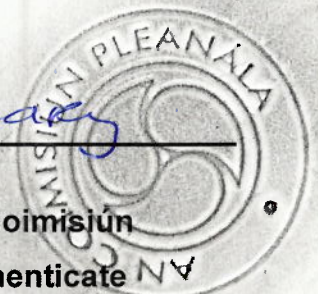
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Patricia Calleary

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *28th* day of *November* 2025.