

An
Coimisiún
Pleanála

Commission Order
ACP-323202-25

Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

Planning Register Reference Number: 2364

WHEREAS by order dated the 31st day of July 2023 An Bord Pleanála, under appeal reference number ABP-316990-23, granted, subject to conditions, a permission to McParland Brothers Builders Limited care of Genesis Planning Consultants of Dean Swift Building, Armagh Business Park, Hamiltonsbawn Road, Armagh, Northern Ireland for development at Bellfield, Haggardstown, County Louth:

AND WHEREAS condition number 20 attached to the said permission required the developer to 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. This was to be agreed between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Coimisiún Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the amount of security to be paid or the manner in which it is to be paid, including whether it is to be paid with references to phases, in compliance with the terms of the said condition, and the matter was referred by the developer to An Coimisiún Pleanála on the 30th day of July 2025 for determination:

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that condition 20 be **Amended** as follows:

20. The developer shall lodge with the planning authority a cash deposit in the amount of €603,900 (six hundred and three thousand and nine hundred euros) (that is, €3,300 per residential unit x 183 units) for the entire development 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. The security to be lodged shall align with phasing of the development as follows -

- (a) A cash sum in the amount of €273,900 (two hundred and seventy three thousand and nine hundred euros) (83 units x €3300) less €100,000 (one hundred thousand euros) already paid to Louth County Council) shall be lodged for Phase 1 with the remainder, in the amount of €330,000 (three hundred and thirty thousand euro) (100 units x €3300) to be lodged prior to commencement of Phase 2 all subject to clarity between the planning authority and the developer as to the mechanism, including information required, for example, cctv surveys, deflection/core sample tests for road

surfaces etc and timescales, for the signing off of specific phases in order for securities to be released or rolled over. This signing off procedure shall be in line with the taking in charge policy of Louth County Council.

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

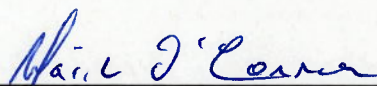
Reasons and Considerations

The Commission, in reaching its decision, had regard to:

- (a) The details and particulars submitted with the appeal and in particular the correspondences between the parties regarding the amount and phasing arrangements,
- (b) Section 34(5) of the Planning and development Act 2000 as amended,
- (c) the decision of the planning authority (planning authority register reference: 2364),
- (d) the nature and extent of works covered by Condition 20 of the decision of An Bord Pleanála (ABP-316990-23),
- (e) the Development Management Guidelines for Planning Authorities, published by the Department of the Environment, Heritage and Local Government (2007 and 2020), and

- (f) Circular Letter PL 11/2013 (Department of Environment, Community and Local Government) dated 20th June 2023 re Provision of Security provided under section 34(g) of the Planning and Development Act 2000 - 2010 for the satisfactory completion of residential housing developments.

The Commission considered, in the absence of details from either party as to the method of calculation of the cash bond deposit per unit and given that the correspondence between the planning authority and the developer had not raised significant queries regarding the total amount of the bond prior to the appeal, that the cost per residential unit, at €3,300 (three thousand three hundred euros), and that these payments shall be paid in accordance with the phasing of the development, in agreement with the recommendation of the Planning Inspector, was reasonable and acceptable for this development at this time.



Marie O'Connor

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 28 day of November 2025