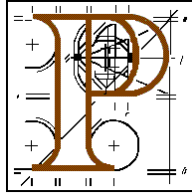


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

## Sligo County

**Planning Register Reference Number: PL 06/2**

An Bord Pleanála Reference Number: PL 21.219781

**APPEAL** by Donna and Brian Jones of “Strand View”, Carney, County Sligo against the decision made on the 31<sup>st</sup> day of August, 2006 by Sligo County Council to grant subject to conditions a permission to Shane Tully care of Hannon and Associates of Abbey Street, Sligo in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** A residential development on a site of circa 6.2 hectares (15.3 acres) at Carney (O’Beirne), Carney, County Sligo. The development consists of the demolition of old school-house and construction of 131 number residential units, a coffee shop, crèche and scout hall together with ancillary accommodation with a total gross floor space of 420 square metres. The residential element consists of 36 number four-bedroom semi-detached units, 15 number four-bedroom detached units, 38 number three-bedroom terrace units, 34 number four-bedroom terrace units, four number two-bedroom apartments and four number four-bedroom duplex apartments. The proposed development incorporates car parking provision, public open spaces, a hard landscaped civic space and associated site works (as amended by the revised public notice received by the planning authority on the 21<sup>st</sup> day of July, 2006).

## 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 current Sligo County Development Plan, including the Carney Mini Plan, for the future development of Carney, the location of the site within the development boundary of the village on land zoned for residential development 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 amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out 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 25<sup>th</sup> day of January, 2006, the 9<sup>th</sup> day of February, 2006, the 23<sup>rd</sup> day of June, 2006, the 29<sup>th</sup> day of June, 2006 and the 10<sup>th</sup> day of August, 2006, except as may otherwise be required in order to comply with the following conditions.

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

2. The proposed development shall be modified as follows: -

- (1) Houses numbers 79-85 shall be omitted.

**Reason:** To safeguard the setting of the National Monument to the north of the site.

- (2) Houses numbers 97, 98 and 99 shall be omitted.

**Reason:** It is considered that the difference in floor levels between these houses and the adjoining properties to the east is such as would seriously injure the amenities of such properties.

Revised drawings showing compliance with (1) and (2) above shall be submitted to the planning authority for agreement prior to commencement of development.

3. Prior to commencement of development, an overall phasing plan for the development shall be submitted to the planning authority for written agreement. This shall include details for the phasing of works to connect the site to the public water and sewerage networks.

**Reason:** In the interest of orderly development.

4. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

**Reason:** To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

5. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction waste and a scheme for dust and dirt control.

**Reason:** In the interest of amenities and public safety.

6. Prior to the commencement of development, full details of the pedestrian/cycle link as submitted to the planning authority on the 10<sup>th</sup> day of August, 2006 shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of road safety and orderly development.

7. Prior to commencement of construction of the development, details of the materials, colours and textures of all the external finishes to the proposed development, including samples, shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development and the visual amenities of the area.

8. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

9. Prior to the commencement of development, details of the proposed hard surfaced play area and children's playground shall be submitted to the planning authority for written agreement

**Reason:** In the interest of orderly development.

10. Proposed Blocks 01, 01A, 01B, 02 and 02A shall consist of Option B as submitted to the planning authority on the 23<sup>rd</sup> day of June, 2006.

**Reason:** In the interest of visual amenities.

11. The proposed development shall provide for a future road link to lands to the north-east of the site as shown on the site layout plan submitted to the planning authority on the 29<sup>th</sup> day of June, 2006.

**Reason:** In the interest of orderly development.

12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

13. No house shall be occupied until:
- (1) the footpath along the northern side of the adjoining public road is constructed in accordance with the details and drawings submitted to the planning authority on the 10<sup>th</sup> day of August, 2006, and
  - (2) all the services, footpaths, roads, lighting, landscaping and open space servicing that house have been completed to the satisfaction and written agreement of the planning authority.

**Reason:** In the interest of orderly development.

14. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

**Reason:** In the interest of amenity and public safety.

15. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to commencement of development, a report containing the results of the assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to the Board for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

16. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of public health and orderly development.

17. No unit shall be occupied or connected to the public water supply before the required improvements have been carried out on the supply network and certified to this effect by the planning authority.

**Reason:** In the interest of orderly development.

18. No unit shall be occupied or connected to the public sewer until the construction of the sewage treatment works has been completed and certified to this effect by the planning authority.

**Reason:** In the interest of orderly development.

19. Prior to commencement of development, a landscaping scheme shall be submitted to the planning authority for agreement. This scheme shall include details in relation to all site boundary treatments, all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

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

20. Prior to commencement of development, proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development.

21. 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 planning authority of roads, footpaths, watermains, drains, public 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 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 the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

22. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

23. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of Carney Sewage Treatment Plant Works. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2007.**