

## **INSPECTORS REPORT**

Development: Demolition of existing 3 no. habitable dwellings, provision of a two and a half to three storey 'L' shaped building, over basement car parking (47 spaces), containing 12 no. one bedroom, 18 no. two bedroom and four no. three bedroom apartments, and one no. 123 sq.m. retail unit at the corner on the ground floor, new vehicular and pedestrian entrances, balconies/terraces to apartments at first floor to the front and rear, and at second floor to the rear, connection to existing storm water and sewerage services, connection to all other public services, bin store, all other site development works, two no. car spaces at street level and associated landscape works at Drimeen, Floraville and Airne, Summerhill Road, Dunboyne, Co. Meath.

### **Planning Application**

Planning authority : Meath County Council  
Planning authority Register Reference : DA/40277  
Applicant : Mr. M. Lynn & Mr. J. Riordan  
Type of application : Permission  
Planning Authority decision : Grant subject to 26 no. conditions

### **Planning Appeal**

Appellant(s) : Kathy Walsh  
Type of appeal : Third Party  
Observers : None  
Date of site inspection : 6<sup>th</sup> January 2006

### **Inspector : Philip Green**

Enclosures : Appendix 1 - annotated photographs  
Appendix 2 - extracts from the  
Development Plan

## **1.0 THE SITE**

- 1.1** The appeal site has a stated area of 0.35ha. and is located in Dunboyne town centre with a frontage onto the Summerhill Road (R156) just to the north-west of the main crossroads in the town formed by the meeting of the R157 and R156 roads. The site presently accommodates three detached single storey dwellinghouses, their gardens and various outbuildings. Each has an independent access onto the Summerhill Road. The central house fronts directly onto the Summerhill Road whilst the northern and southernmost properties are set back further on their plots. To the south of the site is a minor road which leads onto the R157 to the east. Beyond this is a small parade of two storey retail/commercial units fronting the Summerhill Road. To the east of the site is a Garda station. There is a tall conifer hedge on the site between it and this adjoining property. To the north are the two storey houses and rear gardens of the St. Patricks Walk houses whilst opposite the site is a single dwelling and open field with agricultural type buildings to the rear. The area has the benefit of street lighting (located on the opposite side of the Summerhill Road) and there are footpaths on both sides of this road.
- 1.2** I attach as Appendix 1 to this report photographs of the appeal site and surroundings.

## **2.0 THE APPLICATION**

- 2.1** See description of development. As applied for sought permission for the demolition of the existing three dwellings and ancillary structures on the land and construction of 34 no. apartments (12 no. one bed, 18 no. two bed and four no. three bed) and a retail unit on the ground floor of 123 sq.m. in a three storey over basement 'L' shaped building. The basement accommodates 47 no. parking spaces and ancillary areas including bin and bicycle stores. Two parking spaces are proposed in a lay-by on street. The majority of the apartments have balcony areas and a communal landscaped open space area is provided to the rear (north-east) of the block. The building fronts onto the roads to the south and west. The proposed development utilises pitched and hipped main roofs with zinc monopitch roof over the lift core and is to be constructed externally from materials including brick and coloured render/painted plaster walls and blue/black roof slates. The design of the scheme includes projecting two storey entrance lobby/balconies and flat roofed dormer windows running through eaves level. A detached bin store is also proposed on the north western boundary. A new vehicular access in the north western corner of the site onto the Summerhill Road is proposed via an electronically gated entrance. This is in a similar position to one of the existing access points on the site. The development is proposed to be served by an existing public mains water supply, storm water and sewerage services. A note with the original application submission states that the Council's Housing section will not enter into a detailed formal agreement on social and affordable housing until such time as a grant of permission is in place. It was however the applicants intention to enter into an agreement in relation to the provision or contribution to social and affordable housing.

**2.2** On the 1<sup>st</sup> September 2005 the Planning Authority sought further information. This included:

- Reduce density of development;
- Revise elevation to Summerhill Road and omit access lobbies and balconies which overlook property on Summerhill Road;
- Reduce floor area of retail unit so as to not exceed 100 sq.m.;
- Address concerns in regard to surface water discharge as existing system not adequate to cater for development. Details required of how discharge is to reach Castle Stream River with an independent piped system or by upgrade of existing system;
- Flood Impact Assessment required in regard to basement car park to address concerns regarding flooding in area and that basement would not flood;
- Site layout plan at not less than 1:500 showing sight lines from access and at junction of Barrack Lane/Summerhill Road;
- Plan at a scale of not less than 1:500 showing 2m. wide footpath to site frontage;
- Bin storage area adjacent to two storey houses to be relocated;
- Revised public notice required should respond to above constitute significant additional data.

**2.3** A response to this request was received on the 16<sup>th</sup> December 2005. This included amended plans and particulars as follows:

- Scheme reduced to 30 no. apartments (eight no. one bed, 20 no. two bed and two no. three bed) with basement now providing space for 37 no. cars and retail bin store;
- Balconies omitted but lobby element retained as it was stated that they help to define transition from public footpath to semi private patio to private dwelling and were an integral element of the design;
- Floor area of retail space retained at 125 sq.m. as end user may be a fashion boutique currently in negotiation;
- Details and drawings in regard to surface water drainage and flooding risk provided;
- Details and drawing in regard to sight lines provided;
- Details of footpath shown;
- Bin store relocated;
- Copy of revised newspaper notice provided.

**2.4** On the 18<sup>th</sup> January 2005 the Planning Authority sought clarification of the further information response. This included:

- Further clarification in regard to surface water drainage provisions and flood risk required;
- Further clarification of works required to create visibility splays required;
- Evidence of Applicants substantial legal interest in site required.

**2.5** A response to this clarification request was received on the 15<sup>th</sup> July 2005. This included:

- Drawings, details and reports in regard to disposal of surface water and flood risk including drawing showing routing of floodwaters, details of CCTV survey, assessment of causes of localised flooding and commentary on the removal of restrictions to flow and that as a result of removal of restrictions the Council had confirmed that no further information was required on a flood risk assessment;
- Revised sightline details including commentary that no hedgerows will be required to be removed and that third party consents will not be required;
- Letter from owners of lands authorising and consenting to application.

**2.6** The Planning Authority received a number of third party submissions/objections during the course of its processing of the application. Copies of these documents are summarised in the Council Planning reports and are contained on the Board's file.

### **3.0 THE PLANNING AUTHORITY'S DECISION**

**3.1** On the 10<sup>th</sup> August 2005 the Planning Authority issued a Notification of Decision to Grant Permission subject to 26 no. conditions. These included:

- Boundary detailing to eastern boundary (Condition 2);
- Part V agreement required (Condition 5);
- Landscaping in accordance with lodged details required (Condition 8);
- S. 48 Development contribution of euro 58,796 in regard to water treatment and mains water network infrastructure (Condition 13);
- S. 48 Development contribution of euro 121,790 in regard to waste water treatment facilities, waste water and surface water sewer network, drains and associated infrastructure (Condition 14);
- S. 48 Development contribution of euro 123,119 in regard to public roads and public transport infrastructure (Condition 15);
- S. 48 Development contribution of euro 78,145 in regard to social infrastructure (Condition 16);
- Water supply access and drainage arrangements to comply with Planning Authority requirements and to be agreed. Upgrading of existing 150mm diameter section of surface water sewer required (Condition 17);
- Waste management plan required (Condition 23);
- Contribution of euro 200 per unit towards monitoring of construction phases of development (Condition 24);
- Archaeological testing, recording and monitoring required (Condition 25);
- Bond of 128,100 towards satisfactory completion of development (Condition 26).

#### **4.0 PLANNING HISTORY**

**4.1** No significant relevant planning history relating to this site has been brought to my attention.

#### **5.0 DEVELOPMENT PLAN POLICY**

**5.1** The site lies within Dunboyne in the administrative area of Meath Council Council wherein the provisions of the Meath County Development Plan 2001 apply. On Urban Detail Map 13 of that Plan the site is shown as located within an area with Land Use Zoning Objective A1 'to protect and enhance the amenity of developed residential communities'. Residential uses are considered Acceptable in such zoned areas. In Explanatory Notes it states that 'in A1 zones the planning authority will be primarily concerned with the protection of the amenities of established residents. While infill or redevelopment proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight, aspect and so on in new proposals'. In Figure 9 (Use Classes related to Land Use Objectives) a Local Shop (defined as a convenience retail unit of not more than 200 sq.m. in gross floor area) is considered to be Open for Consideration. These are considered to be uses that are generally acceptable except where indicated otherwise and where specific considerations associated with a given proposal (i.e. scale) would be unacceptable, or where the development would be contrary to the objective for a given area.

**5.2** Lands opposite the site on the south western side of the Summerhill Road and to the south east on the opposite side of the road leading to the R157 are zoned B1 'to protect and enhance the special physical and social character of existing town and village centres and to provide for new and improved town centre facilities and uses'. The Dunboyne Urban Detail map also shows a new major distributor road running from a point opposite the site on the south western side of the Summerhill Road to the Maynooth Road to the south east of the town.

**5.3** I attach as Appendix 2 to this report extracts from the Development Plan.

#### **6.0 THE APPEAL**

**6.1** This is a First Party appeal lodged against the Notification of Decision of the Meath County Council to grant permission for the proposed development. The matters raised in the grounds of appeal which includes copies of previous correspondence sent to the Planning Authority during its processing of the application and a review of the Planning Authority's assessment of the scheme includes the following:

- Final proposal did not adequately address all points of concern of planning authority expressed in Further Information requests;
- Despite remediation works and improvements proposed the surface water system serving existing developments on Summerhill Road is

inadequate and will continue to be inadequate. An alternative pipe network/surface water system is necessary to upgrade the system and to accommodate the development;

- Based on experience and objection lodged it is clear that a flooding problem exists on Summerhill Road. The Planning Authority's further information requests acknowledge this;
- No report from the Sanitary Services section of the Council was received;
- There are discrepancies between the conclusions of the Applicants comments and conclusions on the drainage system and surveys carried out on behalf of the Appellant. It is considered that impediments to flows were not removed and that water flow is still restricted. If impediments were removed as stated then this indicates a persistent problem with blockages;
- No evidence of a flood impact statement on file and the provision of this appears to have been avoided by discussions with council staff;
- The Applicants failed to address flooding issues outside of the footprint of the site which may be caused or exacerbated by the development;
- Conditions imposed indicate works are required to accommodate development;
- Report of Area Engineer indicates that an upgrade of section of pipe as well as a diversion and upgrade of the remainder is required. The section under the restaurant is unsatisfactory. The Planning Authority should have attached conditions requiring improvements to the entire network be carried out prior to commencement. Development can be considered premature until this upgrade is completed;
- Appellant would be satisfied if the construction of a diversion of the pipe network was completed prior to commencement and that cleaning of the pipe network and culvert along the graveyard and onwards to the Castle River be completed;
- A condition should be attached requiring a pipe to be laid to connect surface water into the system required by the proposed new road link shown on the Development Plan to the Maynooth Road to the south of the village;
- For permission to be granted an alternative means of surface water discharge to the Castle River should be found. An alternative route to the Castle River would be possible within the terms of Condition 17. The pipe network must also be upgraded where required, diverted where in poor condition and cleaned in the culverted section. A condition should also be imposed to provide a link to the proposed new road. If these cannot be accommodated then permission should be refused on grounds of threat to public health due to risk of flooding.

## **7.0 RESPONSE OF THE APPLICANTS TO THE GROUNDS OF APPEAL**

- 7.1** The First Party response to the appeal includes the history of the Planning Authority's processing of the application including the requests for further information and the Applicant's responses. This is stated to have included a

CCTV survey of the surface water sewer external to the site and route to the Castle Stream, identification and removal of blockages and upgrading of sections from 150 to 225mm diameter. The Applicants response to the clarification of further information also provided details of the CCTV survey and drawings and the upgrading proposals were agreed with the Council prior to submission. It is stated that there was extensive consultation with the Council throughout the application. In regard to the flood risk assessment the Planning Authority had indicated that the Castle Stream River had been dredged and deepened, that the site was not prone to flooding and were satisfied all outstanding drainage issues had been resolved. In response to the grounds of appeal the First Party also comments:

- The appeal focuses on the engineering issues regarding surface water drainage;
- Engineers for the Planning Authority advised that a flood impact assessment was not required;
- It was not intended to 'avoid' this but it was simply unnecessary as flooding issues had been resolved;
- Problems and solutions adopted are set out. These include removal of root systems and obstructions, deepening of Castle Stream and it has been agreed that the surface water route between the pipe outfall and Castle Stream will be cleaned out by the Council and the Applicants will contribute to this, as it was not possible to completely remove the concrete blockage under the restaurant it was agreed that the Applicant would contribute to the surface water drainage diversion required, CCTV survey and removal of items of obstruction;
- Applicants have therefore comprehensively addressed reasons for localised flooding in consultation with the Local authority;
- There is no logic to the Appellants alternative proposal as the Council accept that the pipe network has sufficient capacity to subsume the development into the system once the deficiencies have been corrected;
- Financial contribution set out in condition 14 will be directed to fund the necessary works which makes alternate routing to the Castle Stream redundant;
- The request for further information proposed alternatives either an independent piped system or upgrading existing system;
- Applicant will be bound by both condition 14 and 17;
- Upgrade works will result in surface water drainage system being wholly adequate to serve proposed development and existing residences and it is therefore unnecessary to lay an alternative pipe route;

## **8.0 THE PLANNING AUTHORITY'S RESPONSE TO THE GROUNDS OF APPEAL**

**8.1** The Planning Authority has responded as follows:

- Area Engineer on foot of CCTV survey was satisfied that cause of flooding had been identified and on this basis the Planning Authority were satisfied that permission could be granted;
- Condition 14 is a standard condition applied to every permission proposing to connect to the public sewer. The condition complies with the adopted scheme;
- The Area Engineer has local knowledge of the surface water issues and capacity of sewers. In this instance the Area Engineer is satisfied that the proposed development would not be contrary to the proper planning and development of the area.
- The Board are requested to uphold the permission and all conditions as it is considered that the development would not be contrary to the proper planning and sustainable development of the area.

## **9.0 ASSESSMENT AND RECOMMENDATION**

**9.1** The grounds of appeal principally relate to the issue of a perceived inadequacy in the existing surface water drainage system to accommodate the development and any exacerbation of flooding of the site and surrounding property as a result of any resultant additional flows into this system. There were however further issues raised by the Appellant (see copies of letters attached to the grounds of appeal) and also by other objectors at the time the Planning Authority were processing the application.

**9.2** Having inspected the site and surroundings, considered the relationship between the proposed development and the established pattern of development in the vicinity and having considered the provisions of the current Meath County Development Plan I am satisfied generally that the proposed development in terms of its nature, density, form and scale as amended by the Planning Authority during its processing of the application would, subject to conditions, be an appropriate form of development that would not seriously injure the amenities of property in the vicinity or seriously injure the amenities of the area, give rise to a significant traffic safety hazard or be at risk of flooding. I would accept that not all the requirements of the Planning Authority as expressed in their requests for additional information and clarification of additional information appear to have been complied with. Nevertheless I believe that issues such as the flooding of the basement area, floor area of the retail unit, design of the building and removal of the access lobbies, traffic and sight lines, impact on boundary hedges and any question of overlooking subject to conditions where appropriate, are not such as to warrant the Board from withholding permission on grounds of the development being contrary to the proper planning and sustainable development of the area. I believe that the main outstanding issue for the Board to consider in this case is therefore that of the surface water drainage network serving the site.

- 9.3** I have considered the detailed submissions on the issue of surface water drainage set out in the available documents. The Appellants concerns on the issue of flooding appear to be genuine and based on the unfortunate experience of flooding in the vicinity. The evidence available on the file also indicates that the existing system into which surface water will drain is far from ideal and is subject to blockage and alignment difficulties. The Board will note the references on the file for example to blocked drains, silting, drain routing under a restaurant and the condition of the stream adjacent to the cemetery into which the surface waters flow before reaching the Castle River and relative invert levels. Notwithstanding this it appears to me that the Applicants themselves have sought, in liaison with the Council to comply with its requirements and to some extent such problems have been addressed although the success of some of these measures are questioned due to continuing blockages. I consider however it to be very significant that the Planning Authority in response to this appeal have concluded that problems have been identified and that permission could be granted subject to conditions. I find these conditions relevant and reasonable in the circumstances.
- 9.4** It appears to me that the Planning Authority and Applicant have sought to address the surface water issues raised in this case in a reasonable manner and that subject to the conditions as set out that the development would not be at significant risk of flooding or give rise to a risk of flooding elsewhere. I would tend to give significant weight to the view that the relevant authority (the Council) acting in a competent and responsible manner are likely to be in a favourable position to consider the particular flooding issues raised in this case and the surface water capacities and constraints in its network. It seems to me that the proposed upgrading of a section of the route, regular and reasonable maintenance of the network and the proposal to reroute a section from where it runs under the restaurant which could be facilitated by the development contribution sought by condition would represent a reasonable approach in the circumstances. In reaching this conclusion I assume that the Council who are charged with carrying out such functions would carry out its duties with due diligence and expediency having regard to the timing of the construction of the development itself.
- 9.5** I have considered all the other matters raised including a suggested link to proposed new road but it seems to me that these are not so material to the consideration of the planning merits of this case to warrant reaching a different recommendation to that set out below. In conclusion I recommend that permission be granted.

### **REASONS AND CONSIDERATIONS**

Having regard to the DOELG (1999) Residential Density Guidelines for Planning Authorities, the provisions of the current Meath County Development Plan, the central location of the site in Dunboyne and the pattern of existing and permitted development in the vicinity it is considered that subject to the conditions set out below, the proposed development would

constitute an appropriate form of development that would not detract from the character or appearance of this part of Dunboyne, would not seriously injure the amenities of the area or of property in the vicinity, would not be in an area at risk of flooding or give rise to a risk of flooding elsewhere and would be acceptable in terms of traffic safety and convenience. The proposed development 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 plans and particulars received by the planning authority on the 16<sup>th</sup> December 2004 and 15<sup>th</sup> July 2005 except as may otherwise be required in order to comply with the following conditions.

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

2. Prior to commencement of development, revised plans and particulars shall be submitted to and agreed in writing with the planning authority incorporating the following requirements and revisions to the development:-

(a) Omission of the proposed flat roofed full length dormer windows lighting the stair wells at second floor level on the south west and south east elevations of the proposed development and the provision of alternative less obtrusive and incongruous design and treatment for these aspects of the development.

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

3. Prior to commencement of development, detailed design and specifications including marking, signage and layout of the proposed internal access road and junction arrangement with the Summerhill Road (R156) and to the basement car parking level and on street parking lay-by, traffic management arrangements, car and cycle parking and footpath arrangements shall be submitted to and agreed in writing with the planning authority. Furthermore the entrance gates indicated on drawing no. 2004 10 P 11 Rev. A received by the Planning Authority on the 16<sup>th</sup> December 2004 shall be omitted. At no time shall any entrance gates at this access point be erected to serve this development.

**Reason:** To prevent manoeuvring vehicles obstructing the free flow of traffic on the R156 and in the interests of traffic safety and residential amenity.

4. 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 development.

5. Prior to commencement of development, details of the materials, colours and textures of all the external finishes and hard surfaces for the development shall be submitted to and agreed in writing with the planning authority.

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

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

7. The site shall be landscaped in accordance with the details of landscaping shown on the Landscape Plan drawing no. 04-132.1.Revision A received by the Planning Authority on the 9<sup>th</sup> July 2004. All planting, seeding and/or turfing comprised in this landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which die within a period of five years from the completion of the development, are removed or become seriously damaged or diseased, shall be replaced in the first available planting season with others of a similar size and species, unless the Planning Authority gives prior written agreement to any variation.

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

8. 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 and details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. In particular, the developer shall upgrade the existing surface water sewer from 150mm diameter to 225mm diameter from manhole S1 to manhole S3 as indicated on Drawing no. K85/010 received by the Planning Authority on the 15<sup>th</sup> July 2005ated 1<sup>st</sup> April 2005. Furthermore, the development hereby permitted shall not commence until such time as the planning authority have indicated in writing that it is satisfied that an adequate and permanent connection to storm water drainage with suitable design and capacity (including for all access and wayleave requirements) can be made available.

**Reason:** In the interest of orderly development, public health and the proper planning and sustainable development of the area.

9. Prior to commencement of development, drawings including sections showing all finished floor levels in relation to the existing and proposed ground levels of both the site and the surrounding land and buildings shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of orderly development and to ensure a satisfactory relationship between the various components of the development and between the site and surrounding land and buildings.

10. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for its written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, location of construction workers car parking, storage compounds and site office, off-site disposal of construction waste, a scheme for dust and dirt control including vehicle wheel washing facilities, temporary construction access proposals and measures to ensure that pollution of any adjoining watercourses does not result.

**Reason:** In the interest of amenities of the area, public health, traffic safety and public safety.

11. Within eight weeks of the date of this order, the developer shall enter into an agreement with the planning authority under Section 96 of the Planning and Development Act, 2000 (as amended) in relation to the provision of social and affordable housing, in accordance with the requirements of the planning authority's housing strategy, unless, before the expiry of that period, the said developer shall have applied for and been granted an Exemption Certificate under Section 97 of the Planning and Development Act, 2000.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended).

12. 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. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on this site at any time except within such buildings or storage areas as may have been approved beforehand in writing by the Planning Authority

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

13. Prior to occupation of any part of the development, a management scheme providing adequate measures relating to the future maintenance of open spaces, roads, parking and communal areas in a satisfactory manner shall be submitted to the planning authority for agreement.

**Reason:** To ensure the adequate future maintenance of this development in the interest of residential amenity.

14. Prior to commencement of development, detailed structural drawings and a construction methodology statement indicating the means to ensure for the protection of the structural stability and fabric of the adjoining land and buildings shall be submitted to, and agreed in writing by, the Planning Authority. These details shall include demolition and excavation arrangements, the proposed foundation system and underpinning and method of construction and .

**Reason:** In the interests preserving the integrity and amenities of the adjoining land and buildings.

15. No signs, banners or advertisements shall be erected or displayed within the site except with a prior grant of planning permission.

**Reason:** In the interests of visual amenity

16. Prior to commencement of development, details of all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with the development shall be submitted to, and agreed in writing by, the planning authority. These shall include details of any proposed sound attenuation measures to be incorporated within such plant, machinery, chimneys, ducting, filters or extraction vents.

**Reason:** In the interests of visual and residential amenity.

17. Prior to first occupation of the proposed retail unit, details of its proposed use shall be submitted to and agreed in writing by the Planning Authority. The occupation of this unit shall be restricted to uses within the definition of a shop as contained in Article 5 of the Planning and Development Regulations 2001. In particular the use of the unit shall not include the sale of hot food for consumption off the premises or as an amusement arcade, funfair or gaming arcade.

**Reason:** In the interests of the amenities of the area.

18. 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 determined by An Bord Pleanála.

**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.

19. Boundary detailing and means of enclosure shall only be as indicated on the site layout plan drawing no. 2004 10 P 01 Rev. A as received by the Planning Authority on the 16<sup>th</sup> December 2004.

**Reason:** In the interests of visual and residential amenity.

20. Prior to commencement of development, proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing by, the Planning Authority.

**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 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 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 determined by An Bord Pleanála.

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

22. The developer shall pay to the Planning Authority a financial contribution of euro 381,850 (three hundred and eighty one thousand eight hundred and fifty euro) in respect of public infrastructure and facilities benefiting development

in the area of the Planning Authority that is provided or is 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.

**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.

**Philip Green**  
**Senior Planning Inspector**

**16<sup>th</sup> January 2006**