



An
Bord
Pleanála

Inspector's Report

ABP-305545-19

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| Development | Modifications to previously approved applications for construction of 52 Residential Houses |
| Location | Bog Road, Portarlinton, Co Offaly |
| Planning Authority | Offaly County Council |
| Planning Authority Reg. Ref. | 19142 |
| Applicant(s) | Smart 2 Management Ventures Limited |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Frances O'Reilly Bridie Keegan Avondale |
| Observer(s) | None |
| Date of Site Inspection | 19 th February, 2020 |
| Inspector | Stephen Kay |

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Portarlinton on a site that is accessed off the Bog Road, also referred to as White Hart Lane on local maps. The site forms part of a larger development site that is accessed off the Bog Road and which is currently in the process of being developed for residential use on foot of a grant of permission issued by Offaly County Council under, Ref. 06/1461. This permission was granted in 2007 however the permission has subsequently been extended on two occasions.
- 1.2. The appeal site is bounded to the east by the balance of the housing site that is currently under development. Beyond that to the east, the wider site has frontage of approximately 50 metres onto the Bog Road with the balance of the eastern boundary of the site backing onto residential sites located on the western side of Bog Road. On the eastern side of Bog Road, to the south east of the appeal site are located a nursing home (Oakdale Nursing Home) and Colaiste Iosagain.
- 1.3. To the north, the appeal site adjoins undeveloped lands and to the south the site adjoins a laneway that runs to the back of houses on the Clonygowan Road. To the west, the site directly adjoins the rear boundary of single storey houses that are within the Avondale Estate, a residential development that is accessed off the Clonygowan Road.
- 1.4. The stated area of the appeal site is 2.34 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises modifications to the previously approved applications Ref. No PL2/06/1461, extended under Ref. 12073 and further extended under reg. Ref. 17002 for the construction of 52 no. residential units.
- 2.2. The development would comprise the replacement of 27 no. previously permitted residential units comprising 13 no. 4 bed detached and 14 no. three bedroom semi detached and terraced houses and their replacement with 39 no. houses comprising the following mix of unit types:

- 8 no. house type g (3 bed end of terrace),
- 11 no. house type h (2 bed mid terrace),
- 8 no house type i (3 bed semi detached),
- 2 no house type i2 (3 bed semi detached) and
- 10 no. house type j (2 bed semi detached),

The proposed changes would result in a total of 64 no. housing units on the overall site of which the current appeal site forms part.

- 2.3. The development is proposed to include associated signage, site works, drainage, street lighting and landscaping

3.0 Planning Authority Decision

3.1. Further Information

Prior to the issuing of a Notification of Decision the Planning Authority requested further information on the following issues:

- Requested to consult with Irish Water and submit written agreement of Irish Water to connections to the foul drainage and water supply networks.
- Submit proposals for pedestrian connections to the town centre.
- The provision of playground facilities in accordance with section 8.6.14 of the development plan.
- Revised site layout showing, inter alia, bin storage, FFLs play area,
- Sections through site,
- Identification of photomontages,
- Proposals for screening of site boundaries including consulting with residents in Avondale estate.
- Proposals for the treatment of the land drain on the site.

- Revisions to the single storey units to make them suitable for elderly residents.
- Submission of a construction management plan.
- Report in accordance with requirement of SSP-07 of the County Development Plan.

The following is a summary of the main information submitted in response to the request for further information:

- That a pre connection enquiry for phase 1 was submitted to Irish Water and a Certificate of Feasibility received. In respect of Phase 2 that includes the current appeal site, stated that a pre connection enquiry submitted but that no response received from Irish Water at the date of response to the FI request.
- Proposals submitted for minor revision to the site entrance which would reduce the width of Bog Road and enable a 1.8 metre wide footpath to be provided from the site to the existing footpath to the south of the site.
- Proposals for the land drain at the western side of the site are submitted including piping of this drain and connection of the new pipe to the existing surface water drainage network at manhole S21.
- A mobility management plan was submitted.
- Revised drawings indicating contiguous development to the south of the site and all finished floor levels. Revised house designs submitted which remove the rear laneways and provide bin storage areas to the front of the mid terrace units.
- The public open space area now includes a playground area.
- Revised landscaping boundary treatment submitted which indicates tree planting along the rear boundary of the proposed houses in the development where they adjoin the Avondale Estate.
- Layout changes with the removal of Units Nos.50-55 and the development of 5 no. detached single storey units in place of these units.
- Stated that the density of 27.9 units / ha. is a suitable increase in density while maintaining amenity.

3.2. Decision

The planning Authority issued a Notification of Decision to Grant Permission subject to 12 no. conditions the most significant of which are considered to be as follows:

- Condition No. 2 specifies / clarifies that all relevant conditions attached to the parent permission continue to apply.
- Condition No.7 relates to landscaping and requires the landscaping of the site as per the details submitted with the further information on 12th August, 2019.
- Condition No.11 requires that a connection agreement be entered into with Irish Water.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The report of the Planning Officer considers that the general layout and separation to the units to the south are acceptable. Report notes that the housing mix does not contain accommodation suitable for elderly persons and also raises issues relating to pedestrian connectivity to the town, and bin storage. Following submission of further information a second report recommends a grant of permission that is consistent with the notification of decision which issued.

3.3.2. Other Technical Reports

Area Engineer – No objection subject to conditions.

Environment Section – No objection subject to conditions including that applicant to enter into water and waste water connection agreements with Irish Water.

Fire Officer – No objection.

3.4. Prescribed Bodies

Irish Water – report subsequent to the submission of further information states that no objection to the proposed development.

3.5. Third Party Observations

A significant number of third party observations were received by the Planning authority from residents of the adjoining Avondale estate. The following is a summary of the main issues raised in these submissions:

- Inappropriate location of open space area adjoining boundary to Avondale estate. Security issues.
- Water supply and drainage issues including capacity of the pumping station. Issues of overlooking of the two storey development into the single storey houses in Avondale Estate.
- Ponding on the site and there is a land drain between units 5-16 Avondale. No details of this submitted. Stated that the site is part of a flood plain.
- Existing traffic congestion on the Bog Road and at junction with the Tullamore Road,

4.0 Planning History

The following planning history is considered to be relevant to the consideration of this appeal:

Offaly County Council Ref. 06/1461 – Permission granted by the Planning Authority for a residential development of 66 no. units comprising 12 no. two bedroom apartments in a two storey block, 4 no. three bedroom two storey terraced houses and 50 no. three bedroom two storey semi detached houses together with associated site works, drainage landscaping and associated works on a site that encompasses the current appeal site and lands to the immediate east between the site and the Bog Road.

Offaly County Council Ref. EX12073 – Extension of duration of permission granted under Ref. 06/1461.

Offaly County Council Ref. EX17002 – Extension of duration of permission granted under Ref. 06/1461.

5.0 Policy Context

5.1. Development Plan

The site is zoned residential under the provisions of the *Portarlinton LAP, 2018-2024*.

Policies relating to residential development and residential layout are set out at section 8.6 of the *Offaly County Development Plan, 2014-2020*. Portarlinton is identified as a Key Service Town under the development plan.

There are a number of policies contained in the Portarlinton LAP that relate to residential development including the following:

Policy H7 states that it is policy to promote a higher density of development at appropriate locations, particularly close to the town centre and public transport facilities.

Policy H06 states that it is policy to encourage the sequential development of serviced residentially zoned lands in accordance with the relevant Departmental Guidelines and Development Management standards.

5.2. Natural Heritage Designations

The appeal site is not located within or close to any European site. The closest such site to the appeal site is the River Barrow and River Nore SAC which is located c.700 metres to the east of the appeal site at the closest point.

5.3. EIA Screening

Having regard to the scale of the proposed development in terms of number of units and the size of the site, to the fact that it is proposed to be connected to the public water supply and foul drainage networks, and to its location relative to environmentally sensitive sites it is considered that there is no real likelihood of significant effects on the environment as a result of the proposed development.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party grounds of appeal:

- That the houses on Avondale Estate are single storey and the proposed townhouses in the development will overlook the existing houses.
- That the field on which development is proposed has always been prone to flooding and the building of the additional houses could impact Avondale in terms of drainage.
- That there are deficiencies in terms of water supply and drainage infrastructure in the area.
- That there is a lack of school places and GP capacity in the general area.
- Traffic congestion is a significant issue and the proposed development will make this situation worse.
- That work has been ongoing on the site despite the fact that no decision has been made by An Bord Pleanala.
- That the original designs for the site did not incorporate two storey development and this will result in serious overlooking in Avondale Estate, particularly from units 35-37. Extensions constructed since the initial grant of permission are not accurately represented.
- That the land drain between the appeal site and Avondale has always flooded.
- That the density is unacceptable.
- That Irish Water have not commented on the pumping station which requires regular maintenance.

6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the third party grounds of appeal:

- That the separation distances between the proposed houses on the appeal site and the existing dwellings in the Avondale Estate are significant ranging between 32 and 35 metres.
- That there are 3 no. GP services within 2.5km of the site. Similarly there are 3 no. primary schools located within 2.5km of the site. Colaiste Iosagain is located in close proximity to the site though it is near capacity.
- That the ongoing works at the site referenced are being undertaken on foot of the extant permission for development and no works to the area the subject of the current appeal have been undertaken.
- That the unit types have been the subject of discussion and agreement at pre planning, application and further information stages.
- That the site survey information of surrounding properties is based on best available information given that access to the adjoining properties is sometimes not available.
- That the proposed density is consistent with the aims of the National Planning Framework, and National Strategic Outcome 1 of the NDP relating to sustainable and compact growth.
- That the site will not be prone to flooding as the surface water is proposed to be attenuated with a design to cater for a 1% AEP storm event and 10 % climate change factor. Discharge from the site would be at a maximum rate of 4.43 l/sec.
- The existing land drain at the western side of the site is proposed to be culverted with a 225mm diameter pipe and connected to the stormwater drainage network.
- A Certificate of Feasibility from Irish Water is submitted which indicates that there is capacity in the existing system to accommodate the proposed development. This land drain is currently overgrown and the infiltration rate

on the site is not sufficient that water could be discharged to ground by way of a soakpit.

- The site is not located within any area that is indicated on flood mapping as being liable to flood events.

6.3. **Planning Authority Response**

The response of the Planning Authority requests that the decision be upheld and draws the attention of the Board to the technical reports on file. Issues raised in the third party appeals are stated to have been considered in the decision issued.

7.0 **Assessment**

7.1. The following is a summary of the main issues relevant to the assessment of this appeal:

- Principle of Development
- Design, Layout and Impact on Residential Amenity
- Access, Traffic and Site Servicing,
- Other Issues,
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The appeal site is located on lands that are zoned Residential under the provisions of the Portarlinton LAP, 2018. The principle of residential development is therefore acceptable in principle.

7.2.2. It is also noted that the site is the subject of an extant permission for the development of the appeal site and adjoining lands for residential purposes. Works on the development of the wider site on foot of this permission have commenced on site and the proposed development must, in my opinion be viewed in the context of this permitted development. On this issue, it is noted that objections raised by third

parties relate to ongoing works on the site pre the issuing of a decision by the Board. Given the extant permission it is likely that any such works were consistent with the permission already granted and complaints regarding construction undertaken are issues for the Planning Authority.

- 7.2.3. Both the Offaly County Development Plan, the Portarlington LAP and national policy contain provisions that point towards the promotion of a more intensive form of development on urban sites and the efficient use of zoned lands. In particular, Policy HO7 of the LAP states that it is policy to promote higher densities at appropriate locations. Under the provisions of the Sustainable Residential Development Guidelines for Planning Authorities, the appropriate density of development for outer suburban or greenfield sites in larger towns is in the range of 35-50 units per hectare. Portarlington has a population of 8,368 persons in the 2016 Census (located across the areas of the town located in Counties Laois and Offaly) and therefore comes within the definition of a large town as per the Sustainable Residential Development Guidelines.
- 7.2.4. The density of the overall development as permitted under Ref. 06/1461 (as extended) is cited in the application documentation to be c.22.2 units per ha. The proposed revisions to the permitted layout on the appeal site would result in the overall number of units on the overall site rising from 52 no. to 64 no. with a consequent increase in the density of the overall development to c.27.2 units per hectare. A further reduction in the number of additional units to 11 no. as part of the further information response results in a slight reduction in the density to just under 27 units per hectare. This density is less than that given as an indicative level in the Sustainable Residential Density Guidelines, however it is considered appropriate given the increase over the previously permitted level, the limitations on the layout imposed by the existing permission and the form of the adjoining dwellings to the west which are single storey. Having regard to the location of the site and the site context, I would not accept the case made by the appellants that the density of development proposed is excessive for this location. Considerations of detailed design, and the potential impacts on residential amenity arising, are discussed in the following sections.

7.3. Design, Layout and Impact on Residential Amenity

- 7.3.1. The residential layout proposed in the current application is very similar to that as permitted under Ref. 06/1461 with residential units backing onto the western and northern boundaries of the site. At the south west corner of the site, the layout proposed in the current application (as per the response to further information submitted) differs in that the houses are predominately orientated east west rather than north south. The main area of open space is located within the appeal site and is proposed to remain approximately in the same location and configuration as that previously granted permission under Ref. 06/1461. The extent of the public open space area is however proposed to be increased from c.1,900 sq. metres to 2,223 sq. metres.
- 7.3.2. On the western side of the site, the separation distances between the rear of Nos. 6-11 Avondale and the rear elevation of the houses within the proposed development is on average slightly reduced (from c.33 metres to c.30-31 metres). In addition, the design of the dwellings on the western side of the site is proposed to be altered with the previously permitted Type A house type which was single storey at the rear being replaced with a two storey house type. The appellants within the Avondale development contend that the change in house type will have a significant negative impact on their residential amenity by leading to overlooking and a loss of privacy. It is also contended in the third party submissions on file that the location of extensions to the rear of the houses in Avondale have not been taken into account in the assessment of the application. The appellants are correct to state that the full extent of rear extensions to houses in Avondale have not been indicated in the submitted Site Layout Drawings, however I note that the outline of extensions are indicated on the revised Site Layout Plan submitted as part of the response to further information. The response to the grounds of appeal also indicates the separation distances between the relevant properties on the western side of the site and indicates separation distances in excess of 32 metres from units 8-11 Avondale. Even making some allowance for some discrepancies in the surveying of units in the Avondale estate, the separation distances proposed are significantly in excess of the normal minimums of 22 metres between opposing first floor windows and in my opinion are such that significant loss of residential amenity for residents of the Avondale Estate will not arise. In the assessment of this issue it should also be noted that tree

planting to the rear of the houses facing the western boundary of the site is proposed as part of the landscaping plan submitted as part of the response to further information.

- 7.3.3. The public amenity space is proposed to be retained in approximately the same location as permitted under the parent permission with the area increased to c.2,223 sq. metres. The extent of public open space within the overall development would therefore increase to close to 10 percent of the site area. This is less than the standard set out in the Offaly County Development Plan, however it is an increase on the c.8.2 percent permitted under the parent permission and is considered to be acceptable given the location and size of private amenity spaces proposed. I note that third party submissions to the Planning Authority and the Board raise concerns with regard to the siting of the public amenity space and the potential impact on residential amenity. As noted above, the location of this amenity space is not proposed to change from the originally permitted layout and the configuration of the site is such that it is not feasible that it be relocated. The layout proposed would be overlooked by houses to the north and north east and is in my opinion acceptable in terms of passive surveillance and its impact on the amenity of surrounding properties.
- 7.3.4. The form of the proposed replacement dwellings is of a generally similar style and materials to those permitted under Ref. 06/1461. Internal layouts and room sizes are in line with the required standards and private amenity spaces for each unit are in excess of the minimum standard of 60-75 sq. metres for 3 and 4 bedroom units specified in the Offaly County Development Plan and are considered to be acceptable.

7.4. Access, Traffic and Site Servicing,

- 7.4.1. The site is proposed to be accessed via the Bog Road on the western side of Portarlington. A number of issues relating to traffic and access have been raised by the third party appeals, notably that the capacity of the Bog Road is inadequate to cater for the additional traffic generated by the proposed development and that the junction to the south east of the site at the junction with the Clonygowan Road. As part of the response to further information submitted to the Planning Authority, some

amendments to the junction layout to the Bog Road are proposed and these enable the provision of a 1.8 metre wide footpath to be provided at the site entrance and to connect with the existing footpath network to the south of the site entrance. These works are located on lands that are outside of the red line boundary but within the blue line delineating lands in the control of the first party, or on lands that are under the control of the local authority. Permission was granted by the Planning Authority for a development that included these works, thereby indicating consent to them being undertaken.

- 7.4.2. With regard to junction capacity, the additional 11 no. units will have some impact on traffic levels however I would agree with the assessment of the Planning Officer that this will not be significant in the context of the overall development and the current use of the junction between the Bog Road and Clonygowan Road. In addition, I note the content of Objectives TM03 and TM04 and Map 1 of the Portarlington LAP which indicates the future provision of a new inner relief road to the north of the appeal site which would link the R420 (Clonygowan Road) with the Bog Road and on to the R419 and R423. The future development of this road would alleviate the pressure on the Clonygowan / Bog Road junction.
- 7.4.3. The internal road layout within the proposed residential development would remain essentially the same as that permitted under Ref. 06/1461 and is considered to be acceptable in terms of design and widths. Two parking spaces per residential unit are proposed to be provided and overall parking within the development is proposed to be 135 no. spaces. This equates to 2 no. spaces per unit with an additional 7 no. shared parking spaces and is considered to be acceptable.
- 7.4.4. The development is proposed to be connected to the public water supply and foul drainage networks. The third party appellants have raised a number of concerns with the servicing of the site, including questioning the capacity of the existing pumping station on the Clonygowan Road to cater for the additional loading that would be generated by the development and whether the water supply and water pressure is adequate to cater for the additional demand. As part of the assessment of the case the Planning Authority requested that the written agreement of Irish Water be obtained for the connection of the proposed development to the public foul and surface water networks and to the public water supply. In response, the first party stated that a pre connection enquiry for phase 1 was submitted to Irish Water

and a Certificate of Feasibility received. In respect of Phase 2 that includes the current appeal site, the first party stated that a pre connection enquiry submitted but that no response received from Irish Water at the date of response to the FI request. The response to further information was however referred to Irish Water who responded (dated 22nd and 26th August, 2019) to state that the applicant was engaging with Irish Water regarding a pre connection enquiry and that '*Irish Water has no objection to the proposal based on the plans and particulars included in the planning application*'. Having regard to the fact that the proposed development relates to an alteration of an extant permission for residential development on the site, to the zoned nature of the lands and two the information presented with the application and the response received from Irish Water I consider that the proposed foul drainage and water supply proposals for the development are acceptable in principle.

- 7.4.5. With regard to surface water a number of third party submissions on file raise issues regarding potential surface water drainage and flooding issues and the potential for development on the site to impact negatively on flooding within the adjoining Avondale estate. On the issue of flooding, I note that the Portarlington LAP was the subject of a flood risk assessment which indicated that the appeal site was not prone to flooding. The site is not indicated as an area at risk in either Map 3 (Land Use Flooding and SAC), or Map 4 (Portarlington Flood Plains) of the LAP. I note that there is a land drain along the western side of the site in the vicinity of the boundary with the houses in Avondale Estate. This drain is not clearly visible on site due to the overgrown nature of this part of the site however it was raised as an issue by the Planning Authority as part of the request for further information. The response submitted by the first party proposes that the land drain at the western side of the site would be piped and that this would be connected to the existing surface water drainage network at manhole S21. The solution proposed would appear to be the only viable alternative given that on site infiltration testing indicates that disposal of surface water to ground is not a viable option.

7.5. Other Issues,

- 7.5.1. As part of the application documentation the first party has submitted an indicative location for Part V properties. In the event of a grant of permission a requirement for the agreement of the transfer of units in accordance with the requirements of Part V is recommended.
- 7.5.2. I note that the Notification of Decision issued includes conditions relating to financial contribution in accordance with the s.48 scheme and a bond. These conditions are drafted to reflect the overall unit numbers on the site and have not been the subject of appeal by the first party. In the event of a grant of permission it is therefore recommended that these conditions including a specified amount would be attached.

7.6. Appropriate Assessment

Appropriate Assessment Screening

- 7.6.1. The proposed development comprises modifications to an existing permitted residential development (Offaly County Council Ref. 06/1461) for the development of 52 no. residential units by the omission of 27 no. units and their replacement with 39 no. houses. The site access, basic road layout and location of the main public open space area are proposed to remain consistent with that permitted under the parent permission and the development is proposed to be connected to the public water supply and foul drainage networks.
- 7.6.2. The site is located approximately 700 metres from the River Barrow and River Nore SAC which runs through the centre of Portarlinton to the east of the site. Given the nature of the proposed development, emissions from the proposed development that may impact on the qualifying interests of SAC or SPA sites are confined to emissions to local surface waters during construction activity and discharges to the foul drainage network on completion of the development and occupation of the proposed units. In the case of construction phase impacts, there are no clear hydrological pathways that connect the appeal site with the River barrow and River Nore SAC site or any other European sites.

- 7.6.3. In the case of operational phase impacts, the effluent treatment plant at Portarlinton was upgraded in 2017 and there is adequate capacity to cater for the proposed development. The outfall from the existing waste water treatment plant discharges to the River barrow at a point where it is within the River Barrow and River Nore SAC.
- 7.6.4. It is also noted that the Portarlinton LAP, including the zonings contained in the plan including that of the appeal site for residential use, was the subject of a Stage 2 Appropriate Assessment which concluded that the plan would not have an adverse effect on the integrity of the River Barrow and River Nore SAC site.
- 7.6.5. On the basis of the information available, the proposed development is not likely to have a significant effect on the River barrow and River Nore SAC site in light of its conservation objectives.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions:

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, to the extant permission for residential development of the site and adjoining lands to the east and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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.

10.0 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 submitted on the 12th day of August, 2019, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 04/09/2007 under planning register reference number 06/1461 (as extended under Offaly County Council Refs. EX12073 and FX17002), and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord 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 of the area.

4. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Residential Site Development Standards document, the Planning Authority's Taking in Charge Policy, or "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998 as appropriate. 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.

5. Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreements with Irish Water.

Reason: In the interest of public health.

7. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

8. The landscaping scheme shown on drg no. 00 Rev.1, as submitted to the planning authority on the 12th day of August, 2019 shall be carried out within the first planting season following substantial completion of external construction works. 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 interest of residential and visual amenity.

9. 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 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 be as follows -

- (a) an approved insurance company bond or a cash sum in the sum of €315,000 (three hundred and fifteen thousand euro), to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (b) such other security as may be accepted in writing by the planning authority.

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

10. The developer shall pay to the planning authority a financial contribution of €189,630 (one hundred and eighty nine thousand six hundred and thirty euro) 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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.

Stephen Kay
Planning Inspector

9th March, 2020