



An
Bord
Pleanála

Board Order
ABP-321807-25

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 2460466

Appeal by Michael and Hilary Griffin of Carrig-Rua, Coxtown, Dunmore East, County Waterford and by others against the decision made on the 15th day of January 2025, by Waterford City and County Council, to grant permission, subject to conditions, to S and K Carey Limited care of Bryan McCarthy and Associates of 9a Durands Court, Parnell Street, Waterford for the proposed development.

Proposed Development: The construction of a residential development of 40 number dwelling units comprising of four number two bed terraced bungalows, 15 number three-bed semi-detached bungalows, 19 number three-bed semi-detached and terraced storey and half dwellings and two number four-bed semi-detached storey and half dwellings, including all associated site development works, vehicular entrance to site, vehicular and bicycle parking and boundary treatments at Coxtown, Dunmore East, County Waterford, as amended by the further public notices received by the planning authority on the 10th day of December, 2024.

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 policies and objectives of the Waterford City and County Development Plan 2022-2028, to the location of the subject site within Dunmore East town, to the zoning "R1" of the site, and in particular the compliance with DMD06 policy objective for the subject site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with objectives ENV01 and DM01, and would not seriously impact the traffic safety of the area. 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of August 2024, 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. The mitigation measures contained in Section 7.0 Potential Impacts of the Proposed Hedgerow/Earth Bank Removal of the “Ecological Assessment of Roadside Boundary”, submitted to the planning authority on the 3rd day of December 2024, shall be implemented.

Reason: In the interest of the proper planning and sustainable development of the area.

3. Prior to commencement, the developer shall submit in writing to the planning authority for written approval:
 - (a) the final layout and design specifications for the roadside boundary setback to provide a two-metre-wide footpath to the front of the site,
 - (b) the final layout and design specifications for the intersections of footpath and the estate road, and the home zone roads and adjoining paving in the curtilage of the dwellings. The drawings shall clearly indicate the appropriate levels of all roads, footpaths, and curtilage areas including a number of appropriate cross section drawings,
 - (c) the final designs/specifications for all kerbing,
 - (d) a revised swept path analysis clearly demonstrating refuse truck (Phoenix 2 Duo or similar) movements throughout the site. Turning areas shall be adequate for refuse vehicles. If a revised swept path analysis results in a revised layout shall be agreed accordingly, and
 - (e) full and detailed specifications for the petrol interceptors and hydrobrake, to include manufacturer maintenance recommendations.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

6. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

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

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

8. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

9. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November, 1998. 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.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. The landscaping scheme shown on the "Proposed site layout plan – Landscaping and Boundary Treatment Details" drawing number 005, as submitted to the planning authority on the 3rd day of December 2024, 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 interests of residential and visual amenity.

12. Prior to commencement, a revised boundary treatment plan shall be submitted to, and agreed in writing with, the planning authority. The revised plan shall provide a 1.8 metres high plastered blockwork boundary wall to the rear of sites 32 to 40 inclusive, 13 to 23 inclusive and sites 1 to 4 inclusive (marked as a dark blue line on the “Proposed Site Layout Plan – Landscaping and Boundary Treatment Details” drawing number 005 submitted to the planning authority on the 3rd day of December 2024).

Reason: In the interests of clarity, the protection of amenities, the environment and public safety and the proper planning and sustainable development of the area.

13. Prior to the commencement of development, the developer shall
- (a) enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network, and
 - (b) agree in writing with Uisce Éireann details concerning the relocation of the sewer vent located to the front boundary of the site (the location of the sewer vent shall be setback to enable footpath widening). No development shall commence until such a time as Uisce Éireann has consented to the relocation of the sewer vent.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

14. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:

- (a) soil and subsoil cross-sections,
- (b) plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed, and
- (c) quantity of soil to be removed.

Reason: In the interests of residential, visual amenity and environmental protection.

15. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

17. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

18. 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 requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies)

shall be referred by the planning authority or any other prospective party to the agreement, to An 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 for the area.

19. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning

authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. 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 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. 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 An Bord Pleanála for determination.

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

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased

payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *21st* day of *May*, 2025.