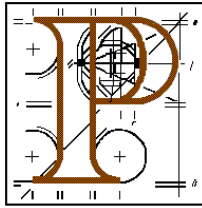


An Bord Pleanála



Inspector's Report

PL27.246219

DEVELOPMENT:-

Site development works to serve 6 no. Houses and outline permission for 6 no. Houses at Church Hill, Enniskerry, Co. Wicklow.

PLANNING APPLICATION

Planning Authority: Wicklow County Council

Planning Authority Reg. No: 15/802

Applicant: Catherine O'Leary

Application Type: Permission

Planning Authority Decision: Grant

APPEAL

Appellant: Mary C & John E O'Reilly

Type of Appeal: 3rd-v-Grant

DATE OF SITE INSPECTION: 27th April 2016

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.957 hectares, is located to the south east of Enniskerry. The site is accessed from Church Hill over an existing laneway that runs east from the public road (access lane is included in the site boundaries). The main Body of the site, which is 220m to the east of the public road, is a sloping site with levels increasing in a southerly direction. There is an existing gravel road through the site that links into the existing laneway access and loops around on site to provide access to the upper level of the site including the adjoining lands to the west. The boundaries of the site are not well defined in some cases with existing vegetation along the sides of the laneway access, existing trees and hedgerow along the southern and eastern boundaries of the main portion of the site. In regards to adjoining development, there are existing dwellings to the south of the access laneway that are served by it. To the west of the main body of the site are two existing dwellings at the lower level (adjacent north eastern corner) and one at the higher level (adjacent south eastern corner). To the south of the site is an apartment block and to the south west a Hotel. To the north and at a lower level is wooded area.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for site development works for 6 no. dwellings and outline permission for 6 no. dwellings. The proposal entails widening and alteration of the access gateway on Church Hill, upgrading of driveway from Church Hill to the site, provision of new surface water sewer in site distributor road and driveway to connect to existing surface water sewer in Church Hill, re-routing of existing foul sewerage on site and in site distributor roadway to connect to existing foul sewer in driveway, water supply facilities in site distributor roadway, site surface water infiltration ditches. The approved development was altered in response to further information with an alteration to the layout of public open space and an alteration in the plot sizes for individual dwellings.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Bray Engineer (02/09/15): Further information required including minimisation of the gradient for driveways, details including cross section of excavations and analysis of slope stability, analysis of flooding incidences in the vicinity in the context of site drainage.

- (b) Roads Engineer (08/09/15): The proposed access road should be developed as a shared surface with a maximum width of 4.8m with no separate pedestrian entrance. Junction radii are to be a maximum of 4.5m.
- (c) Irish Water (09/09/15): No objection subject to conditions.
- (d) Development Applications Unit (15/09/15): Condition to be attached requiring archaeological testing in advance of development.
- (e) Planning report (28/09/15): Further information required including justification for the width of the service road and footpaths, justification for a separate pedestrian entrance, details of public lighting, details of driveway/parking gradients, details of retaining structures necessary including slop gradients proposed, details of soak away tests and clarification of the status of an existing manhole.
- (f) Roads Engineer (26/11/15): The proposed access road width, entrance arrangements, public lighting scheme and driveway gradients are acceptable.
- (g) Bray Engineer (25/11/15): Refusal recommended due to the gradient of the Estate Road being excessive in regards to disability access, concerns regarding discharge of additional surface water and slope stability, and failure to address concerns regarding ingress of water on lands to the south and subsequent flood risk.
- (h) Planning Report (02/12/15): Clarification of further information required including analysis of slope stability in the context of surface water drainage, details of retaining structures required due to the gradient of the site and level of excavation required, clarification of the details of a retaining wall at Plot 5, details of construction method of retaining wall along the southern boundary, sections through the site showing levels of land to the north, details of existing road levels and clarification of the height of retaining walls. It was also noted that the preference of Planning Authority was for omission of the separate pedestrian entrance.
- (i) Bray Engineer (27/01/16): Refusal recommend as per the previous report however it noted in the event of a grant conditions could be attached to deal with the engineering issues raised.
- (j) Planning Report (29/01/16): The information submitted in response to further information requests was noted and it was considered that the issues raised were addressed. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 8 conditions. Of note are the following conditions.

Condition no. 5: Geotechnical report to be prepared and submitted detailing existing ground conditions and how the proposed development will impact on ground conditions on site including mitigation measures to protect slope stability.

Condition no. 6: At permission consequent o outline stage a number details are to be provided including and requirements to be adhered to including...

The dwellings to be no greater than 7.5m in height.

Finished floor levels and positions to be as per the site layout plan on the 07th January 2016.

Estate road to be widened along edge of plot 3 to allow for two way traffic.

5. PLANNING HISTORY

5.1 07/1198: Permission granted for 4 no. detached two-storey dwellings and associated site works.

5.2 PL27.237724: Permission granted for 2 no. houses on a site to the west of the appeal site.

6. PLANNING POLICY

6.1 The relevant plan is the Enniskerry Local Area Plan 2009-2016. The site is zoned RE, 'Existing Residential' with a stated objective "to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located".

6.2 The site is located in the designated Enniskerry Architectural Conservation Area. The following objectives apply

To protect the natural, architectural and archaeological heritage of the town, in accordance with the provisions of the County Development Plan.

7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by John E. O'Reilly & Mary C. O'Reilly. The grounds of appeal are as follows...

- The application does not comply with Articles 18(1)(c), 19(1)(a), 22(1)(a), 22(1)(d) of the Planning and Development Regulations, 2001 (as amended) as there is failure to indicate the type of permission being sought for (two type of permission boxes ticked on application form), lack of clarity regarding site area with two figures stated and a failure to clearly state legal interest in the site.
- The appellants note that their property (Rosemount) is a protected structure and is in close proximity to the driveway to be upgraded. It is noted that mews structures within the curtilage of the protected structure are located in close proximity to the driveway and the south side of these structure act as retaining walls. There are concerns regarding the impact of upgrading works on structural integrity of the existing buildings. It is consider that insufficient information has been submitted to demonstrate that the works in question would not impact adversely on the existing structures and subsequently a protected structure. The appellants also raise concerns regarding the lack of details regarding planting and landscaping proposal for the area north of the driveway and adjacent the appellants' property.
- It is noted that the proposal as granted is in conflict with conditions previously imposed under ref no. PL27.237724, in particular the omission of a separate pedestrian entrance and the failure to carry out the requirements of condition no. 2 (completion of access and upgrading of access road permitted under PL27.237724).

8. RESPONSES

8.1 No responses.

9. ASSESSMENT

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development
 Development Control standards
 Design/visual amenity/adjoining amenity
 Slope stability/drainage
 Traffic
 Validation issues
 Other Issues

9.2 **Principle of the proposed development:**

9.2.1 The appeal site is on lands zoned RE, 'Existing Residential' with a stated objective "to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that

reflects the established character of the area in which it is located". The proposal is for full permission for site development works, alteration to an existing access laneway and outline permission for 6 no. dwellings. The proposal is for residential development, which is compliant with the zoning objective of the site. I would consider that the principle of the proposed development is acceptable subject to the proposal being satisfactory in regards its impact upon the amenities of adjoining properties, the visual amenities of the area, the character, setting and integrity of a protected structure, being acceptable in the context of traffic safety and convenience and acceptable in regards to environmental impact and public health. These aspects of the proposed development are be discussed in detail in the following sections of this report.

9.3 Development Control Standards:

9.3.1 The proposal is for full permission for site development works and outline permission for 6 no. dwellings. The proposal is for 6 dwellings on a site of 0.947 hectares, which is a density of 6 dwellings per hectare. The development is a low density development. In regards to development control standards (Wicklow County Development Plan 2010-2016) there are a number of standards relevant, which relate to open space provision and car parking. In relation to private open space the requirement for dwellings under Section 5.4.5.3 is a standard of 0.64 sqm per 1sqm house floor area (for the first 150sqm). Based on such a dwelling over 150sqm in floor area would have a requirement of 96sqm per dwelling. I would consider that such standard is achievable given the size of the plots and the onus is on the applicant to demonstrate this at the permission consequent on outline stage. In regards to public open space the requirement is 15% of the site area under the County Development Plan. The initial plans submitted provided for two areas of public open space, one along the northern boundary (labelled B) and one to the east of plots 1, 2 and 3 (A). In this case the proposal was for 12.2% of the site area (0.947hectares). The approved layout provides for a reduced level of open space with the space labelled A omitted and subsumed into plots 1,2 and 3 (to deal with issues of grading and reduce the need for retaining walls). This leaves the space labelled B to the north of the site as the public open space area and such accounts for 8.24% of the site area (0.947) hectares. Although the level of public space does not meet the Development Control Standards I would consider that the proposal is satisfactory as the plot sizes for the individual dwellings are extremely generous as evidenced by the very low density of the development with a significant amount of private open space provided for individual dwellings. In this regard I would consider the proposal/approved development is satisfactory in the context of the provision of public and private open space.

9.3.2 In regards to off-street car parking, the requirement under the County Development Plan (Section 5.4.5.4) is 2 spaces per dwelling. The proposal is fully compliant with this requirement with the indicative layout and plot sizes illustrating that this standard can be easily complied with. As noted earlier the onus is on the applicant to ensure that the detailed plans at permission consequent on outline stage provide for such. It notable that one of the issues raised in the further information request related to grading of driveways with it required to indicate driveways with a gradient no greater than 1:10. The applicant complied with this requirement with the Bray Engineer noting that the grading of the driveways was acceptable.

9.4. Design/visual amenity/adjoining amenity:

9.4.1 The proposal is for permission for site development works and alterations of an existing access laneway and outline permission for 6 no. dwellings. The site located to the south east of Enniskerry and is accessed from a laneway that is approximately 220m long that emanates from Church Hill to the west of the site. The main body of the site is steeply sloped with levels increasing in a north to south direction. At present there is gravel laneway running through the site in loop that links with the existing laneway at the north western corner of the site and runs through the site up to the south western corner of the site. As noted the site is located within a designated Architectural Conservation Area and the site is located in an area/settlement that has an attractive rural character. As noted the proposal is outline permission for 6 no. detached dwellings with the drawings submitted indicating that the dwellings are likely to be two-storey (although proposal for the dwellings is an outline permission). It is also notable that in granting permission a condition was applied confining the ridge height of dwellings to 7.5m. Given the elevated nature of the site due to the gradient, there is a possibility that the proposal would have a significant visual impact. In terms of location the site is not a highly visible site in the surrounding area. The site is not that visible from the public road to the north, lands to the east or from Church Hill to the west the site due to existing vegetation on adjoining lands and the topography of the area. In regards to visual impact from the south, the topography of the area is such that the lands to the south are at a higher level with a significant level of existing development located at this higher level to the south. I would consider that the site has significant backdrop when viewed from the north due to the fact that it is not the highest point and there is a significant level of existing vegetation and development located to the south of the site.

9.4.2 The proposal is for a relatively low density development of 6 no. dwellings. I would consider that subject to appropriate house type design and landscaping measures the proposals would be satisfactory in regards to the visual amenities of the area. The proposal does not entail any detailed house types/design with an indicative layout and indication that the dwellings are

likely to be two-storey as well as a condition confining ridge height to 7.5m. The proposal for the dwellings is an outline application with principle of the proposed development being at issue. I would consider that subject to appropriate conditions such as the restriction on ridge height and a detailed landscaping scheme, which can also be dealt with by way of condition that the proposal would be acceptable in the context of the visual amenities of the area. I would also note that the proposal for dwellings would be subject to a permission consequent on the outline permission and if granted the onus would be on the applicant to provide for a satisfactory design for the dwellings proposed.

9.4.3 In regards to impact on adjoining amenity the main body of the site is located on a sloping site increasing moving southwards. In regards to adjoining development there are a number of dwellings located along the southern side of the access laneway and to the west of Plot 1 and Plot 6. To the south of the site is what appears to be an apartment block. Given the low density of development and the levels on site including the finished floor level of the dwellings indicated, I would be satisfied that the proposed dwellings would have no significant physical impact on the amenities of adjoining properties. The dwellings on Plots 1 and 6 would be at similar levels to that of the adjoining dwellings to the west and their likely orientation (subject to permission consequent on outline) would be consistent with the established pattern of development (north-south orientation). In relation the existing apartment block to the south, the level of the proposed dwellings and site is significantly lower than the existing development and lands to the south and the low density of development would be unlikely to have any adverse impact on the amenities of adjoining properties.

9.4.4 The appellants own an existing dwelling (Rosemount) located on the northern side of the access laneway and adjoining Church Hill. The appellants' property includes a dwelling facing Church Hill and two mews buildings that are located just north of access laneway and an existing boundary wall that run parallel to the access laneway. The appellants note that Rosemount is protected structure and indicate concerns regarding the impact of the proposed works to access laneway on the structural integrity of the existing structures within the curtilage of the protected structure. The works proposed to the access laneway that runs from Church Hill to the main body of the site. The works involved include widening of the access laneway, new surfacing and traffic calming measures. Where the laneway adjoins the appellants' structure there is strip of land where the ground levels fall away towards the existing with a wall defining the appellants' property and also existing vegetation in this area. The original proposal entailed the provision of separate pedestrian access and hardstanding area linking into the lane but was revised to be omitted in later plans submitted and approved. The

approved development entails widening the existing laneway along its northern side adjacent the appellants' property by up to 0.6m at most. This still leaves a significant gap between the edge of the upgraded laneway and the boundary defining the appellants' property of up to 3m and at least 2m. The proposal entails no alteration to any of the structures on the appellants' lands including the boundary wall or mews structures along the southern boundary of the appellants' property and does not encroach onto the appellants' lands. I am satisfied that the extent of upgrading works proposed can be carried out without any physical impact on the appellants' property and I am satisfied based on the drawings submitted demonstrate such as well as noting that the onus is on the applicant to ensure that the works carried out do not cause damage to adjoining structures. In this regard I would consider that appropriate construction management conditions would suffice. In regards to impact on a protected structure, the nature of works adjacent the appellants' property are not significant in terms of physical stature and consist of a small amount of widening of an existing laneway where there is more than enough space to facilitate the works in question. The nature and scale of the works in question are of an extent that would have no significant or adverse impact on the character, setting or integrity of a protected structure. In addition I would note that the upgrading works to the laneway would have no adverse impact on any of the existing properties located on either side of it.

9.5 Slope stability/drainage:

- 9.5.1 In regards to slope stability the applicant has provided cross sections of the site, including ground levels of proposed dwellings and details of retain walls to be provided on site, which include along the southern boundary of the site, along part of the northern boundary and to the rear of Plot no.s 1 and 2. I can see no reason why the site could not be developed in manner proposed and would consider that appropriate engineering solutions can deal with this aspect of the proposal. I am satisfied that the level of detail provided in this regard to the proposals for retain walls is satisfactory and would consider that the a condition similar to condition no. 5 where a more details information will be provided at permission consequent on an outline stage regarding mitigation measures in relation to slop stability.
- 9.5.2 In relation to drainage, it is notable that the engineering reports for the Local Authority identified some concerns regarding the impact of drainage on slope stability and the potential of run-off causing flooding to the south of the site. The proposal includes provision of a surface water drainage system on site and attenuation proposal to the north of the site. I am satisfied that the provision of surface water drainage system should be sufficient to prevent run-off/surface water discharge onto adjoining properties and would recommend that a condition to this effect be attached. In regards to flooding, there are no records of flood incidences on site or in the immediate vicinity

and subject to the provision of an adequate surface water drainage system, I do not consider that the proposal would lead to any flood risk either on site or on adjoining lands.

9.6 Traffic:

9.6.1 The proposal entails upgrading of the existing laneway including widening of sections to the north and south, widening of the entrance onto Church Hill and traffic calming measures such as rumble strips and pavers at certain sections. The widening of the laneway will give it a width of 5m consistently along its entire length. The proposal also entails widening of the existing access onto Church Hill and initially entailed provision of a separate pedestrian access that was revised to just a vehicular entrance at the behest of the Planning Authority.

9.6.2 The proposal is for what appears to be a shared surface arrangement with no separate pedestrian facilities. Given the existing arrangement of the laneway including existing vegetation and trees along the laneway and boundary walls, it would be difficult to provide a wide service road with footpath facilities along either side and such would be detrimental to the attractive character at this location. Given the zoning of the site and low density of development, I would consider that the upgrading works are sufficient to cater for the traffic and pedestrian movements associated with the proposed development.

9.6.3 In regards to the vehicular entrance sufficient sightlines are available in either direction along Church Lane. The approved proposal was revised to omit a separate pedestrian entrance. I would consider that either the original option for a separate pedestrian entrance or the approved layout are satisfactory and would note that there appears to be already a separate pedestrian access at this location.

9.6.4 As noted earlier there is sufficient space on each plot to provide adequate off-street car parking in compliance with the standard required under the County Development Plan (2 spaces per dwelling).

9.7 Validation issues:

9.7.1 The appellants raised a number of validation issues in the appeal submission. The appellants note that the application does not comply with Articles 18(1)(c), 19(1)(a), 22(1)(a), 22(1)(d) of the Planning and Development Regulations, 2001 (as amended) as there is failure to indicate the type of permission being sought for (two types of permission boxes ticked on application form), lack of clarity regarding site area with two figures stated and a failure to clearly state legal interest in the site. I would first note that the applicant is clear regarding the type of permission/permissions sought with it clear from the form and public notices that it is full permission for site development works and upgrading

of the vehicular access and laneway and permission consequent on outline for the 6 no. dwellings. On the issue of site area I would also consider that the applicant has indicated the site area on the form correctly. The site area is 0.957 hectares and is the figure indicated on the application form. The applicant has provided a separate figure that refers the site area minus the laneway serving the site. Notwithstanding such the application form has the correct figure in the required space.

9.7.2 In regards to site ownership the applicant indicated they are the owner, but that they a right of way over the driveway/access including a right to develop as proposed. It appears that the applicants are the owners of the portion of the site where the dwellings are to be developed but not the owners of the driveway/access. It is notable that the applicants have no provided details of the owners of this portion of the site and no letter of consent to make the application. In this regard I would refer section 34(13) of the Planning and development Act, 2000 (as amended) under which it states that “a person shall not be entitled solely by reason of a permission under this section to carry out development”.

9.7.3 The appellant also notes that the proposal conflicts with condition no. 2 under PL27.237724 under which it is required that the entrance and access road is upgraded prior to the commencement of development. This permission relates to a development granted for 2 no. houses on a site to the west of the appeal site. It appears that the upgrading works subject to this permission have not occurred. I am satisfied that the proposal does not conflict with condition no. 2 and provides for a more extensive upgrade of the access laneway than permission ref no. PL27.237724. As noted above the proposal for upgrading of the existing access is acceptable in regards to traffic safety and convenience.

9.8 Other Issues:

9.8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the scale and design of the proposed development and the policies of the development plan and the it is considered that subject to compliance with

conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the vicinity, would be acceptable in terms of traffic safety and would 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 on the 05th day of August 2015 and as amended by the plans submitted on the 09th day of November 2015 and the 07th day of January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. All conditions pertaining to the outline permission associated with this permission consequent shall be strictly adhered to.

Reason: In the interest of clarity.

2. Upgrading works to the vehicular access and laneway serving the site shall take place prior to the occupation of any of the proposed dwellings.

Reason: In the interests of orderly development.

3. At the permission consequent on an outline stage, full details of the proposed development shall be supplied and shall include and comply with the following...

- a) The ridge height of the dwelling shall not exceed 7.5m.
- b) Full details of finished floor levels and grounds levels of individual sites including measures to ensure slope stability.
- c) Full details of external finishes.
- d) Full details of boundary treatment for individual dwellings.
- e) The estate road shall be widened along the edge of Plot 3 to allow for two way traffic movements on the curved section of the road.

Reason: In the interests of orderly development.

4. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

5. 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.

6. 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 and no surface water from the proposed development/site shall be allowed to discharge onto adjoining properties or the public road.

Reason: In the interest of public health

7. Proposals for an estate/street name, house and apartment 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/apartment 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 interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

9. 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.

10. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. Prior to commencement of development, the applicant shall submit full details of a properly constituted Owner's Management Company for the written agreement of the planning authority. This shall include a layout map of the development showing those areas to be maintained by the Owner's Management Company. Membership of this Company shall be compulsory for all purchasers of property in the development. Confirmation that this Company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit. All roads and services within the privately managed areas shall be completed to the planning authority's taking in charge standards.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

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

15. 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, 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 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 of the development.

Colin McBride
13th May 2016