

## An Bord Pleanála



### Inspector's Report

**Appeal Ref. No:** PL27.246401

**Proposed Development:** 28 residential units

**Location:** Enniskerry Demesne, Cookstown Road,  
Enniskerry, County Wicklow.

**Applicants:** P. Berridge

**Planning Authority Reg. Ref:** 14/1704

**Planning Authority:** Wicklow County Council

**P.A. Decision:** Grant with conditions

**Appeal Type:** Third Party

**Appellants:** (1) Enniskerry Demesne Mangt. Ltd  
(2) Mark & Penny Colley  
(3) David Whelehan & Ruth Magee  
(4) W.B. & M.M. Somerville  
(5) Anthony Cotter

**Observers:** (1) Patrick Kelly  
(2) Lachlan Cameron  
(3) John Nolan

**Date of Site Inspection:** 22 July 2016

**Inspector:** Hugh Mannion

## **1. SITE AND SURROUNDINGS**

The appeal site comprises 2.75ha and is located to the south east of Enniskerry village and accessed off Cookstown Road in County Wicklow. The site is in agricultural use as pasture. Cookstown Road runs generally east to west and has a single white median line in the vicinity of the site. The speed limit in the vicinity of the site is 50kph. There is a footpath along the northern edge of the public road which connects Enniskerry Demesne to the village (at times this runs behind a narrow line of trees/shrubs). There bungalow with separate garage adjoining the eastern boundary of the site. There is a recently constructed primary school (Powerscourt National School) at the western roadside boundary of the site. The existing access to the field is through a gated agricultural entrance and the roadside boundary (the northern boundary) has a number of mature trees. There is a perceptible slope up from the Cookstown Road boundary into the site.

Opposite the site (to the north of Cookstown Road) is a housing development of Enniskerry Demesne comprising 15 detached houses with a single access to Cookstown Road.

## **2. PROPOSED DEVELOPMENT**

The proposed development started originated as 28 dwelling units with on-site surface water drainage and the entrance at the existing agricultural entrance. The revisions moved the entrance west towards the school.

The proposed development – revised by further information - comprises 26 residential units;

- 4 two bed townhouses,
- 4 five bed detached houses – 260m<sup>2</sup> to 268m<sup>2</sup>,
- 9 five bed detached units – 200m<sup>2</sup>,
- 9 three bed detached units,
- Car parking, access to Cookstown Road site works,

All at Cookstown Road, Enniskerry, County Wicklow.

### **3. HISTORY**

There is no relevant planning history for the appeal site. The adjoining primary school to the west was permitted under reference 07/1331. Enniskerry Demesne opposite on Cookstown Road was permitted under reference 93/2380.

### **4. PLANNING AUTHORITY DECISION**

The planning authority decided to grant permission.

The planning authority sought further information on the 30<sup>th</sup> September 2014 in relation to;

- Compliance with the zoning provision in the LAP in relation to Action Area 4, maintenance of a buffer along the eastern boundary and provision of public open space.
- The proposed phasing map for the area zoned Action Area 4 is unacceptable.
- The proposal should provide some one and two bed apartments.
- Soakpits are not an acceptable method of surface water disposal.
- The application should include a design concept in accordance with the Sustainable Residential Development in Urban Areas Guidelines.
- The site entrance should be relocated to minimise the loss of boundary trees.
- Landscaping and boundary treatment details should be submitted.
- The applicant should demonstrate that the greatest possible views through the site to the Sugarloaf are being maintained.
- There is insufficient capacity in the foul pumping station on Cookstown Road.

The applicant responded to the request for further information on the 27<sup>th</sup> March 2015.

A request for clarification of further information was issued by the planning authority to the applicant on the 11<sup>th</sup> May 2015. This raised the following points;

- The planning authority remained opposed to pumping foul effluent from the proposed development.
- The previous revisions did not meet the LAP requirement that no more than 50% of the units be three bed or exceed 125m<sup>2</sup> in area.
- The two bed town houses should be set back from the boundary.
- The boundary treatment should be amended.
- The landscape plan should be amended to provide more detail of number, height and species of proposed trees.

The applicant responded to the request for clarification of further information on the 4<sup>th</sup> February 2016. New public notices were published.

The final number of units granted were 26.

**Irish Water** reported (report dated 1/10/2014) no objection to the application on the grounds of public water supply. In its initial report Irish water objected to the original foul water drainage/pumping proposal but (report dated 7<sup>th</sup> March 2016) that it was staged with the revised plans.

The **Area Engineer's** report (see report dated 15/8/2014) did not object to the proposal subject to conditions relating to road improvements.

The **Chief Fire Office** reported no objection subject to conditions.

## 5. THIRD PARTY APPEAL

The grounds of appeal may be summarised as follows;

- The proposed development contravenes the requirement of the LAP for comprehensive masterplans for each Action Area. An amenity zone required by the LAP has not been provided.
- The site is close to areas of outstanding natural beauty, SACs and NHAs. The application should have been accompanied by an EIS.

- The proposed development will impact on views of the Sugarloaf Mountain from Cookstown Road.
- The housing layout is not reflective of its rural setting.
- Water supply may be inadequate. Foul drainage capacity is in excess of the needs of this application.
- The application does not provide for sheltered housing as required by the LAP.
- The proposed development may impact on Lovers Leap Lane a local amenity along the Dargle valley.
- The proposed development will exacerbate traffic congestion on Cookstown Road. The vehicular access should preferably be located on the R760 Enniskerry/Tinnahinch Road rather on the Cookstown Road.
- Proposed parking provision is inadequate.
- There is persistent flooding the area; at Pine Heights to the east of the site, within Enniskerry Demesne housing development and around the Summerhill Hotel especially since the construction of Powerscourt national school.
- There is a paucity of primary school places in the area.

## **6. APPLICANT'S RESPONSE**

The applicant's response to the appeal may be summarised as follows;

- The site is within the area of the Enniskerry LAP. Enniskerry is identified as a small growth town in the Wicklow County Development Plan and 312 houses are allocated in the Core Strategy to Enniskerry in the period up to 2022. The County Development Plan makes provisions in relation to plot ratio, layouts, limits the size of greenfield developments to 100 units, minimum garden sizes (48m<sup>2</sup>) and open space at 15%. The draft Wicklow County Development Plan incorporates a Town Development Plan for Enniskerry which identifies the site as being within an Action Area 3. The proposed development

has regard to the requirements for the site set out in the draft County Development Plan.

- The layout and design of the proposed houses has been chosen to provide an organic extension to the existing development in Enniskerry. The proposal is less dense than that provided for in the draft County Development Plan. The application included an urban design appraisal. The application provides 27% of the site as public open space which is in excess of the County Development Standard of 15%.
- The view from the Cookstown Road to the Sugarloaf is not a protected view. The visual impacts of the proposed development have been demonstrated by way of photomontages submitted with the application and these visual impacts will not be significant. Lovers Leap Lane runs east/west to the south of the site and there are no protected views from this walking route.
- A flood risk assessment (FRA) was submitted with the application. The site has not flooded in the past but surface water runoff has the capacity to cause flooding on the road close to the Summerhill House Hotel. A surface water soakaway system has been incorporated into the open space adjoining the Cookstown Road to mitigate this flooding.
- The site is within the 50kph speed limit. The proposed entrance will have a visibility in both directions of 4.5mX70 which is sufficient to ensure road safety.
- The proposed development provides 2 car space per house in accordance with the County Development Standard.
- The foul drainage has been designed in conjunction with the planning authority to accommodate the effluent from all the developments on Cookstown Lane.
- There is physical capacity in the adjoining Powerscourt national school to accommodate an additional teacher should pupil numbers justify this.
- The application does not require an appropriate assessment but for completeness an AA screening report is included with the appeal.

## **7. PLANNING AUTHORITY RESPONSE**

The planning authority did not comment on the appeal.

## **8. OBSERVATIONS**

Observations were received from Patrick Kelly and John Nolan. These observations may be summarised as follows;

- The planning authority did not insist on adequate responses to the requests for further information.
- Foul effluent from the proposed development will be disposed of to a septic tank which is then removed by tankers.
- The expansion south of Cookstown Road will open larger areas to development.

## **9. FURTHER SUBMISSIONS**

Anthony Cotter, David Whelehan/Ruth Mcgee, Enniskerry Demesne Management Ltd, W.B. & MM Somerville commented on the applicant's submission as follows;

- The permitted foul drainage arrangement were not part of the original application. It is not appropriate that drainage works to accommodate over 100 houses should be incorporated into permission for 26 housing units.
- The houses will intrude in views towards the Sugarloaf.
- The proposal does not amount to a comprehensive plan for the area zoned for development.
- There is no evidence of a realistic plan for the provision of sheltered housing.
- The proposal has not had regard to its rural setting.

The applicant (via John Spain Associates) commented on John Nolan's submission as follows;

- Further information was submitted to the satisfaction of the planning authority.
- There is adequate capacity in the Enniskerry and Environs WWTP to serve the proposed development. Sludge is sometimes removed from this plant which is standard practice.

## **10. PRESCRIBED BODIES**

There were no observations from prescribed bodies.

## **11. PLANNING POLICY FRAMEWORK**

The relevant County Development Plan is the Wicklow County Development Plan 2010 to 2016.

**WH6** To encourage the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site.

**Objective VP1** To protect listed views and prospects from development that would either obstruct the views / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

Schedule 17.8 lists views of special amenity value which the County Development Plan seeks to preserve.

## **12. ASSESSMENT**

**12.01** My assessment is arranged under the headings of finalised application, planning policy, landscape impact, water supply, foul drainage, flooding, traffic safety, school places availability, EIA and AA.



## **12.02 Finalised Application**

**12.03** The final number of units granted by the planning authority is 26 as set out in the drawing number PI002 Rev A received by the planning authority on the 27<sup>th</sup> March 2015.

## **12.04 Planning Policy**

**12.05** The site is zoned for residential development in the Enniskerry Local Area Plan 2009-2016. The lifetime of that plan was originally for 6 years from 29<sup>th</sup> May 2009 (to 28<sup>th</sup> May 2015) but was extended by a vote of the planning authority until May 2016 and does not appear to have been subsequently extended. Nevertheless in the absence of another adopted plan I will review this application having regard to the LAP and the County Development Plan 2010 to 2016 (still current).

**12.06** Enniskerry is a level 5 'small growth town' in the settlement strategy set out in the County Development Plan. The core strategy envisages 312 housing units in the period up to 2022 and having regard to the zoning of the site for residential development I consider that the proposed development provides a reasonable contribution to this overall figure.

**12.07** The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DoEHLG May 2009) set out a number of criteria by which to assess proposed developments in smaller towns and villages (Chapter 6). These criteria include; that new developments be provided for in a development plan for the area, that new development should contribute to a compact form, that higher density be encouraged, that development should provide an alternative to one-off housing in the countryside and that the scale of new development should be proportionate to the existing quantum of development in the town or village.

**12.08** The site is within about 600m of Enniskerry village centre and connected to it by roads and footpaths. The density is about 10 units per ha which is quite low but accords with the LAP advice (see paragraph 4 of the LAP) and recognises the edge of village location of the site. I consider that the proposed houses will provide an alternative to one off housing and that the proposed development is relatively modest in comparison to the overall quantum of development in Enniskerry. Therefore I conclude that the proposed development meets the principles set out in the Sustainable Residential Development in Urban Areas Guidelines.

**12.09** The public open space provision is in the order of 27% whereas the County Development Plan standard is 15% of the site should be provided as public open space. The provisions of provide open space for the dwelling units. The units are provided with private open space accordance with section 5.4.5.3 of the Plan.

### **12.10 Landscape, Views & Lovers Leap**

**12.11** The Enniskerry LAP requires that (sixth bullet point under Action Area 4) any development shall be so designed to maintain maximum views of the Sugarloaf from Cookstown Road. The planning authority sought by way of the request for additional information that the applicant demonstrate that the application gives effect to this objective in the LAP (point 8 of the request). The appeal makes the point that the proposed development will unreasonably impact on views of the Sugarloaf.

**12.12** The applicant responded with a photomontage of the Sugarloaf taken from Cookstown Road (See appendix 10 received 27<sup>th</sup> March 2015 – rear pouch) . The planning authority noted that the photomontage’s vantage point is the entrance to Enniskerry Demesne on the opposite side of Cookstown Road and did not reflect the amended access to the proposed development which has been moved west. Nevertheless the planning authority accepted that the application had met the requirement set out in the LAP to maintain the maximum views from Cookstown Road to the Sugarloaf.

**12.13** Schedule 17.8 lists views of special amenity value which the County Development Plan seeks to preserve. These views are illustrated on Map 17.10 attached to the Plan. While some views of the Sugarloaf are listed for preservation the views from Cookstown Road are not. The site is located within and ‘urban area’ for the purposes of landscape characterisation (illustrated on map 17.09B) attached to the County Development Plan.

**12.14** Having regard to the zoning of the site for residential development in the LAP, to the lack of specific designation of views or prospects from Cookstown Road to the Sugarloaf for protection in the County Development Plan, the existing trees on the Cookstown Road roadside boundary of the site I agree with the planning authority that the application has had sufficient regard to the protection of views of the Sugarloaf from Cookstown Road and I conclude that the proposed development is acceptable in this aspect.

**12.15** The appeal make the point that the proposed development may impact on views from Lovers’ Leap. Lovers’ Leap is a public footpath which heads east from a junction with the R760 south of the site and Enniskerry Village and has a junction with the Cookstown Road east of the site close to the Dargle

bridge (this path is marked by a dotted line on the extract OS map attached). This pedestrian path intervenes between the site and the Sugarloaf and therefore the proposed development will not interpose itself in views from the path towards the Sugarloaf. Furthermore because the topography rises between the path and the site I consider it unlikely that the proposed development will be intrusive in views north from the path.

**12.16** I am satisfied having regard to the landscape details submitted that the application retains existing boundary trees where possible in accordance with the development plan objective WH6. I conclude, therefore, that the proposed development will not negatively on the landscape of the area or on views or prospects designated for protection in a manner contrary to the County Development Plan.

### **12.17 Water Supply**

**12.18** The appeal makes the point that the water supply in the area is inadequate to serve the proposed development.

**12.19** The application (see paragraph 5.0 Civil Engineering Report submitted with the application) states that there is a water supply available to the site. Irish Water commented on the application (see report dated 1/10/2014 – received by the planning authority 2/10/2014) and recorded no objection on grounds of water supply. The planning authority did not raise the issue in its request for further information.

**12.20** On the basis of the information available, and in particular the report from Irish Water, I conclude that there is an adequate water supply available to the proposed development.

### **12.21 Foul Drainage**

**12.22** The appeal makes the point that there is inadequate foul drainage to cater for the proposed development.

**12.23** The application (see paragraph 3.0 Civil Engineering Report submitted with the application) states that foul effluent would initially drain to an existing wastewater pumping station located to the southwest of Enniskerry Demesne where there is a buried holding tank (see drawing 100 PL1 received by the planning authority on the 7<sup>th</sup> August 2014). In the request for further information the planning authority queried the capacity of the existing wastewater pumping station.

**12.24** The Irish Water report (1<sup>st</sup> October 2014) stated “it is recommended that no sewage be discharged from the proposed development until such time as the pumping station at Enniskerry Demesne has been ungraded”. I take this to be the same pumping station “southwest of Enniskerry Demesne” referred to in the original application. In the request for further information the planning authority queried the capacity of the wastewater pumping station.

**12.25** In response to the FI request the applicant (see Barrett Mahony Engineering Report) stated that it was now proposed to install a foul pumping station on site from where effluent would be pumped to a public sewer on Church Hill Road. The clarification of further information request (see CFI issued on 11/5/2015) stated that the planning authority were dissatisfied with the proposed waste water drainage arrangements (holding tank on site and three separate pumping stations for developments close by).

**12.26** The applicant’s response to the request for clarification of further information states that the waste water arrangements have been amended again to provide for a single pumping station on site which will serve the proposed development, the sheltered housing units to be located between the application site and the recently completed primary school to the west, the Enniskerry Demesne and further development on the lands included in the Area Action Plan 4 area shown in the LAP.

**12.27** The final planner’s report was delayed pending receipt of the comments by Irish Water on this proposed solution to waste water treatment. The last Irish Water report on file comments on the last submission from the applicant and makes the point that subject to detailed connection process the revised arrangements to jointly pump effluent from the subject application lands, the adjoining sheltered housing lands and the existing effluent from Enniskerry Demesne is acceptable – subject to details of connection.

**12.28** I note the points raised in the appeals and observation made to the Board in relation to the stated difficulties in foul effluent disposal in the area of the proposed development. In relation to capacity of the Enniskerry and Environs WWTP the applicant’s submission to the Board on the 8<sup>th</sup> June 2016 provides a copy of Wicklow County Councils waste water discharge licence report which states that while the capacity of the MWWTP is 6000pe the loading is 3780pe (2012 figures). Therefore I conclude, on the basis of capacity in the MWWTP, the evolution of the design of the wastewater drainage arising on site and on the reports on file (including Irish Water reports), that the proposed development, subject to conditions, will be drained without giving rise to injury to public health or the risk of water pollution.

## **12.29 Flooding**

**12.30** The appeal makes the case that Cookstown Road is prone to flooding and the proposed development would exacerbate this.

**12.31** Initially the application proposed that the surface water arising on site be disposed of to on-site soakaways. This was unacceptable to the planning authority and amendments were sought by way of further information. The planning authority required that the surface water arising on site would be pumped to the closest surface water sewer on Church Hill Road. The planning authority's engineering advice was that this was an acceptable solution.

**12.32** There is no roadside drain along the site boundary with Cookstown Road and there is a fall in elevation within the site south to north. Therefore I consider it likely that there was some surface water flooding on Cookstown Road which originated from overland flow off the application site; this point is made by the applicant.

**12.33** I conclude that pumping surface water from the site to the closest surface water sewer is a reasonable solution to this problem.

## **12.34 Traffic Safety**

**12.35** The appeal makes the point that the Cookstown Road is narrow and additional traffic movements arising from the proposed development will create traffic hazard. The proposed development provides for a footpath linking the proposed development to the nearest public footpath on the Cookstown Road close to the new national school. The planning authority's area engineer's report (see report dated 15/8/2014) did not object in principle to the proposal. A further email dated 23<sup>rd</sup> March 2015 from the Bray area engineering office states that the revised entrance – i.e. the one relocated to the west of the original proposed opposite the entrance to Enniskerry Demesne was acceptable.

**12.36** Having regard to the relocated entrance details and enhanced visibility at the proposed new junction submitted as further information, to the 50kph speed limit which applies along the site frontage and the limited capacity of the proposed development to generate traffic movements I conclude that the proposed development will not give rise to traffic hazard.

### **12.37 School Places**

**12.38** The appeal makes the point that there is insufficient school places to accommodate additional residential development. The LAP addresses this point and zoned an area of 1.35ha immediately to the west of the application site facing onto Cookstown Road.

**12.39** The school planned for that site - Powerscourt National School - has been completed and I conclude on the basis of the material on file that there is not a deficiency of school places in Enniskerry such as would require refusal of permission in this case.

### **12.40 Environmental Impact Assessment.**

**12.41** The appeal states that the application should have been subject to EIA. The proposed development falls into Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended – where some residential development require EIA. The limit in that class is 500 dwelling units. As the proposed development falls far short of this limit within the class submission of an EIS is not mandatory.

**12.42** Schedule 7 of the Planning and Development Regulations 2001, as amended, provides criteria for submission of a subthreshold EIS. These criteria include the characteristics of the proposed development, location of the proposed development and types of potential impacts which may trigger the requirement for submission of a subthreshold EIS.

**12.43** I have had regard to the criteria set out in Schedule 7 and the advice set out in “EIA Guidance for Consent Authorities regarding Sub-threshold Development” (DoEHLP 2003), to the relatively modest scale of the proposed development on serviced and zoned lands and I conclude that submission of a sub-threshold EIS is not required.

### **12.44 Appropriate Assessment**

**12.45** The appeal makes the point that the proposed development may impact on European sites. The application did not include an appropriate assessment screening exercise. The planning authority in the body of the planner’s report did include a screening exercise which concluded that an AA was not required.

**12.46** I would identify two European sites within about 4kms of the appeal site; Ballyman Glen SAC (000713) and Knocksink Wood SAC (000725). The NPWS have set out only general conservation objectives for these sites and the designated habitats;

- Petrifying springs with tufa formation (Cratoneurion – a priority habitat),
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno- adion, Alnion incanae, Salicion albae - priority habitats), and
- Alkaline fens.

**12.47** Both of these European sites are north of the application site and drain into the Glencullen River. Having regard to the topography of the site I consider that it is also within the catchment of the Glencullen River but is separated from it by lands developed from housing and commercial activity. The river flows west to east towards the Irish Sea and both European sites are to the west of the application site.

**12.48** Having regard to these factors and to the relatively modest scale of the proposed development, to the proposed surface water and sewerage arrangements and the other foreseeable emissions from the proposed development, to the conservation objectives for the two identified European sites, the material published by the NPWS and the material on file it is reasonable to conclude that that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Ballyman Glen SAC (000713), the Knocksink Wood SAC (000725) or any other European site, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### **13. RECOMMENDATION**

Having regard to the foregoing I recommend a grant of permission subject to the conditions set out below.

## Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2010 to 2016, to the proximity of the site to Enniskerry village centre, to educational and other community facilities and subject to compliance with the conditions set out below it is considered that the proposed development will not endanger public safety by reason of traffic hazard or be prejudicial to public health or give rise to the risk of water pollution or injure the visual or residential amenity of the area. Therefore the proposed development would accord 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 submitted to the planning authority on the 27th day of March 2015 and on the 4<sup>th</sup> day of February 2016 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 development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

3. 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.



4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-
  - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

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. All existing over ground cables shall be relocated underground as part of the site development works.

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

6. 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. No advertisements/marketing signage relating to the name 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.

7. 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.

8. 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.

9. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

10. 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.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

12. 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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

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

13. 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 8 weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or by any other prospective party to the agreement to the Board for determination.

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

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**Hugh Mannion,  
Planning Inspector  
3<sup>rd</sup> August 2016**