



An
Bord
Pleanála

Inspector's Report PL06F.246808

Development	Construction of 22 houses on lands known as Site 3 on planning Reg. Ref. F15A/0294
Location	Lands bounded by Park Road, Kenure Lawns and fields to the north and east, Rush, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/0148
Applicant(s)	WCS Project Management Limited
Type of Appeal	Third Party
Planning Authority Decision	GRANT
Appellant(s)	1. Margie McLoone 2. Barry Martin
Observer(s)	None
Date of Site Inspection	29 September 2016
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.973 ha, is located on the eastern side of Park Road in Rush, Co. Dublin. It is irregularly shaped and is bounded by Park Road and two single storey dwellings to the west, a residential development known as Kenure Lawns to the south and agricultural lands including glasshouses and yard areas to the north and east.
- 1.2. The existing access to the site from Park Road is located in its south west corner, immediately north of Kenure Lawns. Park Road is c. 5m wide in the vicinity of the appeal site, is unlined and does not have footpaths.
- 1.3. A number of glasshouses and outbuildings are located on the site, with the remainder of the site in grassland. The site is c. 900m north of Rush's Main Street, while St Maurs GAA Club and Gaelscoil Ros Eo are located c. 300m to the north west of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 22 three bedroom, two storey houses, consisting of:
 - Three blocks of three terraced houses.
 - Twelve semi-detached houses.
 - One detached house.

The site clearance works, roads, footpaths, services, landscaping etc. associated with the houses do not form of the proposed development, having previously been permitted by Fingal County Council as part of a larger scale infrastructural development under Reg. Ref. F15A/0294.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council decided to grant planning permission on 2nd June 2016. The following Conditions are relevant to this appeal:

- C3(i): House No. 1 to be redesigned to provide active southern elevation.
- C4 and C10: Revised Construction Management Plan to be submitted with details of protection for watercourses and construction delivery routes.
- C7(i): Prior to occupation, temporary foul pumping station permitted under Reg. Ref. F15A/0294 to be discharging to Portrane/Donabate WWTS and 90 houses in Seabrook and 46 houses in Brookford are to be connected to the temporary pumping station.

3.2. Planning Authority Reports

3.2.1. The report of the area planner can be summarised as follows:

- Proposed density of c. 23 dwellings per hectare is acceptable.
- Development complies with Development Plan requirements for room sizes, storage, separation distances and private amenity space. Development accords with *Sustainable Residential Development in Urban Areas* and *Quality Housing for Sustainable Communities*.
- Development is below threshold for crèche provision.
- Development of Phase 1 of Kenure LAP is contingent on provision of school site, play lot, crèche and pedestrian routes. Provision of east-west street is outside control of applicant.

- EIS not required, however EIS for overall LAP lands is outstanding.
- Objective of Kenure LAP for management plan for Outer Rogerstown Estuary to be completed prior to occupation of units. Plan has not been completed to date.
- Provision of only 3 bedroom houses is acceptable with regard to broader mix within LAP lands and size of site.
- No undue impacts on visual amenities and no significant overlooking or overshadowing.
- Dwellings relate well to one another in terms of design and scale. Unit 1 should present a more active elevation to the south.
- Provision of Class 2 public open space exceeds pocket park requirement under Objective OS02B
- There are wastewater capacity constraints in Rush, but Reg. Ref. F15A/0294 provides for greater number of houses to be diverted to Portrane/Donabate treatment plant and there will no net increase in units discharging to sea.
- Planning notice was within red line boundary on site inspection.
- Development is in accordance with Development Plan, Kenure LAP and non-statutory Masterplan.

3.3. Other Technical Reports

- **Irish Water:** No objection subject to conditions of Reg. Ref. F15A/0294 being complied with and foul sewer on Park Lane granted under Reg. Ref. F15A/0294 being completed prior to houses being occupied.

- **Water Services Section:** Generally as per Irish Water.
- **Transportation:** No objection subject to revised Construction Management Plan and roads/footpaths being constructed as per Reg. Ref. F15A/0294.
- **Heritage:** Construction Management Plan does not include good practice measures for protection of streams/drains as outlined in AA Screening. Revised CMP to be submitted.
- **Housing:** Agreement to provide 10% of units on site.

3.4. Third Party Observations

3.4.1. Four third party observations were made. The issues raised were generally as per the two third party appeals, as well as the following:

- Park Road will take all traffic from this development on Site 3, proposed development on Site 2, schools and GAA complex. Development should not proceed until Park Road upgraded as per F15A/0294.
- Proposed east-west street should be upgraded to a road with no buildings to take full traffic.
- Height of proposed development is out of sync with others in vicinity.

4.0 Planning History

4.1. Subject Site

4.1.1. Reg. Ref. F15A/0294:

Planning permission was granted to WCS Project Management Ltd. for infrastructural site development works including demolition, roads, footpaths, cycleways, drains, sewers, watermains, surface water attenuation areas, below

ground pumping station, utilities, landscaping works, boundary treatment and all ancillary infrastructure and site development works to facilitate future housing development. The development also included widening of c. 356m of Park Road (south of St Maurs GAA Club) and construction of a section of the north/south urban road. The development also included removal of an existing temporary wastewater treatment plant and connecting its existing sewers to the proposed foul sewer system. The application included a non-statutory 'Phase 1A Conceptual Framework/Masterplan'.

The appeal site formed part of the overall 8.53 ha site and was referred to as Site 3. Site 2 is located on the opposite side of Park Road and Site 1 is located south west of the appeal site. Site 1 is the subject of a current appeal, as set out below.

4.2. Neighbouring Sites

4.2.1. Reg. Ref. F16A/0221 / ABP Ref. PL06F.247032

The Planning Authority decided to grant planning permission to WCS Project Management Ltd. for 129 houses and a site for a future crèche on lands known as Site 1 under Reg. Ref. F15A/0294. This decision is currently the subject of first and third party appeals (ABP Ref. PL06F.247032).

4.2.2. Reg. Ref. F16A/0024

Planning permission was granted to IDV Developments Ltd. Partnership for 30 houses, 2 apartments and 2 duplex units on a 1.15 ha site to the south of the appeal site, within the Kenure Rush LAP boundary.

5.0 Policy Context

5.1. Fingal Development Plan 2011-2017

5.1.1. The zoning objective for the site is RA, to provide for new residential communities in accordance with approved LAPs and subject to provision of necessary social and physical infrastructure. An east west road proposal is indicated immediately to the north of the site.

5.1.2. Relevant Objectives include:

- RD07: Ensure residential units comply with minimum requirements for unit size, room sizes, storage, etc.
- OS02B: Minimum 10% of site to be public open space. Council has discretion to accept financial contribution in lieu of open space.
- OS35: Minimum 22m between directly opposing rear first floor windows to ensure privacy/minimise overlooking.

5.2. Kenure Rush Local Area Plan 2009-2015

5.2.1. The site is located within the boundary of the Kenure Rush Local Area Plan 2009-2015, which relates to 31 ha of residentially zoned lands. The life of the LAP has been extended to February 2019.

5.2.2. Relevant provisions of the LAP include:

- Specific objective that no planning permissions shall be obtained on the LAP lands until the planning authority is satisfied that all lands reserved to be developed as Class 1 public open space lands are available to serve the development area.

- Temporary waste water treatment plants will not be acceptable in any circumstances.
- No residential development shall take place within the plan lands until such time as the wastewater treatment plant at Portrane becomes fully operational and the required network upgrades to facilitate residential development are completed.
- Detailed phasing requirements for each phase of development are set out in the LAP. The proposed development will be part of Phase 1 (1 – 250 units).
- EIS for the development of the entire plan lands shall be prepared and submitted, as determined by the Planning Authority.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two third party appeals were lodged by Margie McLoone and Barry Martin, respectively. Their grounds of appeal can be summarised as follows:

- Appropriate Assessment for Kenure LAP contained major error by referring to treated wastewater effluent being discharged to sea. This is totally inaccurate.
- Sea off Hand's Point has become so polluted that no swimming allowed off Rush. Loughshinny and Skerries also affected.
- Council should not permit any further development other than dwellings with their own wastewater treatment systems in any part of Rush until older parts of Rush are connected to the new network and all remedial work undertaken at Hand's Point.

- New system will come on stream in stages. No new development such as this should be allowed to jump the queue.
- Two storey houses will directly overlook bedroom windows of single storey houses in Kenure Lawns.
- Houses should be single storey as per Kenure Lawns and Kenure Crescent.
- Orientation and position of windows should be taken into account so as not to adversely affect privacy of existing houses.
- Two storey houses will result in overshadowing and affect residential amenity.
- Position of planning notice was misleading to local residents.

6.2. Planning Authority Response

6.2.1. The Planning Authority responded to the appeals as follows:

- The temporary pumping station permitted under Reg. Ref. F15A/0294 will serve proposed development as well as housing in Seabrook and Brookford. It will allow for discharge to the Portrane/Donabate WWTP and there will be no net increase in number of units discharging to sea.
- Request that Conditions 22 (development contribution) and 23 (bond) be included.

6.3. First Party Response

6.3.1. MacCabe Durney Barnes submitted a response to the third party appeals on behalf of the applicant, which is summarised as follows:

- Density is within permitted range under LAP.

- Separation distance from Kenure Lawns will be in excess of 22m and private open space in excess of requirements. No directly opposing first floor windows, as Kenure Lawns are single storey houses.
- Development is north of Kenure Lawns and 14-15m from boundary and cannot cause overshadowing/loss of light.
- Wastewater issues already addressed and determined in F15A/0294.
- Rush wastewater network upgrade works will commence in September 2016.
- Development will not take place until temporary foul pumping station permitted under F15A/0294 is operational.
- Proposed 22 houses will discharge to sea in the short term via the North Beach pumping station. However 136 existing houses will be diverted via permitted temporary pumping station to Portrane WWTP. The proposed 22 houses will be connected to Portrane WWTP at end of 2018 when the entire Rush catchment connects directly to the WWTP. Net improvement of 114 fewer houses discharging to sea in the interim.
- Any issues regarding Appropriate Assessment carried out with LAP cannot be addressed in this appeal.
- AA Screening for this development concludes no likelihood of significant effects on Natura 2000 sites provided sufficient capacity exists for additional sewage treatment.
- Public notices were compliant with Regulations. The Board cannot invalidate a previously validated application.

6.4. **Observations**

6.4.1. No submissions/observations are on file from any other party.

7.0 Planning Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- Compliance with Planning Policy.
- Wastewater Management.
- Residential amenity.
- Design and layout.
- Roads and Traffic.
- Other Issues.

7.2. Compliance with Planning Policy

- 7.2.1. The proposed development accords with the zoning objectives for the site, in that it seeks to provide residential units on a site which is zoned for residential development in accordance with a LAP. Furthermore, I am satisfied that the proposed houses comply with Development Plan requirements for house size, room size, storage space, private open space and car parking.
- 7.2.2. The public open space permitted on the site is in excess of the 10% required by the Development Plan and benefits from a high level of passive surveillance.
- 7.2.3. With regard to density, I consider the proposed density of c. 23 units per hectare to be acceptable having regard to the low density designation of the site within a carefully considered LAP that seeks to provide a broad mix of densities and unit types and its position as a transitional area between an area of existing single storey housing and future medium and higher density housing. In this regard the LAP indicates a density range of 19-30 units per hectare for low density lands.

- 7.2.4. The LAP sets out detailed requirements for the precursors to, and phasing of, development. In particular, it is an Objective of the LAP that no development will be permitted until the Planning Authority is satisfied that all lands to be developed as Class 1 public open space are available. Similarly, the LAP states that no development will be permitted until the wastewater treatment at Portrane and network upgrades are completed. There is also a requirement for the school site to be made available to the Department of Education prior to commencement of Phase 1.
- 7.2.5. Having regard to the scale of the proposed development (22 units) relative to the overall Phase 1 (250 units) and the wider LAP area (1000 units), the lack of progress in implementing the LAP to date, and the development of a Phase 1A Masterplan, I do not consider that the proposed development would jeopardise the delivery of phased infrastructure and I consider it reasonable for the issue of Class 1 open space, and the school site to be addressed as part of subsequent development proposals. The issue of wastewater treatment is dealt with separately below.
- 7.2.6. It is also an Objective of the LAP that no housing shall be occupied until a Management Plan for the Outer Rogerstown Estuary is adopted by the Council. I note that it is also an Objective of the Fingal Development Plan 2011-2017 to prepare and implement this Management Plan. It appears that the Management Plan has yet to be prepared and adopted by the Planning Authority. Given the scale of the proposed development relative to the overall LAP area, and the length of time that has passed since it became an Objective of the Planning Authority to prepare this Management Plan, I do not consider it reasonable to restrict occupation of the proposed houses on this basis.

7.3. **Wastewater Management**

- 7.3.1. The foul and surface water drainage networks associated with the proposed 22 houses have already been permitted by the Planning Authority as part of a larger infrastructural development (Reg. Ref. F15A/0294) and do not form part of the

proposed development. A temporary pumping station and other drainage infrastructure were also permitted as part of that development which will allow for 136 existing houses, which currently discharge to sea, to be connected to the Portrane, Donabate, Rush and Lusk WWTP.

- 7.3.2. The permitted foul drainage system for the 22 houses connects to the North Beach Pumping Station catchment, which discharges to sea, and the applicant contends that this is acceptable on the basis that it is a temporary arrangement for c. 2 years and that there will be a net reduction of 114 houses discharging to sea as a result of the development permitted under Reg. Ref. F15A/0294. However, both appellants contend that no further development should occur until all works to connect Rush to the new WWTP are complete.
- 7.3.3. Condition 7(i) requires the temporary foul pumping station permitted under Reg. Ref. F15A/0294 to be discharging to the WWTP, and the 136 existing houses to be connected to the pumping station, prior to occupation of the 22 proposed houses.
- 7.3.4. As noted above, the LAP states that there should be no residential development until the WWTP is operational and all network upgrades completed. It also states that temporary WWTPs will not be acceptable in any circumstances. Having regard to the water pollution issues that have arisen in Rush as a result of wastewater discharging to sea, and the fact that works to connect all remaining areas of Rush to the WWTP are due to be completed by end 2018, I do not consider it appropriate for any new houses to be permitted to discharge to sea, regardless of whether other houses are being diverted or not.
- 7.3.5. While the development permitted under Reg. Ref. F15A/0294 will result in 136 existing houses being diverted from a sea discharge to the WWTP, this appeal relates to 22 new houses and should be considered on its own merits. I do not consider it appropriate in light of the risks of environmental pollution, potential human

health impacts, and potential impact on Natura 2000 sites to allow these 22 houses to discharge their foul sewage to sea.

- 7.3.6. Having regard to the five year duration of planning permission, and the two year programme for completion of the wastewater network upgrade works, I consider that a Condition restricting occupation of the 22 houses until such time as they are connected to the Portrane, Donabate, Rush and Lusk WWTP is appropriate in this instance.

7.4. Residential Amenity

- 7.4.1. Having regard to the alignment of the proposed houses and the depth of their rear gardens, which will ensure a separation distance greater than 22m between all opposing houses, I am satisfied that there will be no undue overlooking of existing or proposed houses.
- 7.4.2. The separation distances between the existing and proposed houses, allied with the location of the proposed houses to the north of the existing houses, will also ensure that no significant level of overshadowing is likely to occur.
- 7.4.3. Subject to construction being undertaken in accordance with an agreed Construction Management Plan and implementation of the infrastructural works permitted under Reg. Ref. F15A/0294 I am satisfied that the proposed development will not seriously injure the residential amenities of the area.

7.5. Design and Layout

- 7.5.1. While I consider the design and layout of the proposed development to be broadly acceptable, I concur with the Planning Authority's concern regarding the design of detached house No. 1 which presents a blank elevation to the south, facing the entrance to the development from Park Road. I recommend that a Condition be

imposed requiring the design of the house be modified to provide a more active southern elevation.

- 7.5.2. With regard to boundary treatments, there are a number of different types proposed. It is proposed to retain existing boundary walls between the existing Kenure Lawns development and the appeal site, and I consider this to be acceptable. At the eastern boundary of the site a 1m high wall/fence is proposed. However, since this adjoins an active agricultural/horticultural yard I consider that in the interests of privacy and public safety, the entire eastern boundary should be changed to a 2m high wall until such time as the adjoining lands are redeveloped in accordance with the LAP.
- 7.5.3. At the site entrance from Park Road, I concur with the Planning Authority's Condition to reduce the boundary wall heights to 0.9m in the interests of traffic safety.

7.6. Roads and Traffic

- 7.6.1. A Traffic Generation Report was submitted with the application, and I am satisfied that the proposed development will not generate a significant level of traffic or result in increased traffic congestion in the area.
- 7.6.2. The proposed development will be accessed via a temporary access from Park Road until the east-west street identified in the Development Plan and LAP is completed, following which it will be accessed from the new street. However, it is not clear from the planning application or appeal documentation what will happen to the temporary access road once the new access point is opened.
- 7.6.3. In order to avoid the proposed development becoming a vehicular short cut and the potential traffic hazard that could result, I consider that the Park Road entrance point should be closed to vehicular access once the east-west street is completed. It should however, be retained as a pedestrian and cycle access point in the interests

of residential amenity and improving the permeability and interconnectivity of the area. Details of how this will be accomplished should be agreed with the planning authority prior to commencement.

- 7.6.4. In addition to the access issue, I note that Park Road is c. 5m wide at the location of the site entrance, is unlined and in relatively poor condition in places and does not have footpaths. Permission is in place under Reg. Ref. F15A/0294 to widen and improve this section of Park Road, and I consider that the residential units should not be occupied until the Park Road improvement works have been completed.

7.7. **Other Issues**

- 7.7.1. Planning Notices: One of the appellants contends that the site notice was misleadingly located in the garden of a house adjoining the application site. Article 19(1) of the Planning and Development Regulations 2001-2015 requires the site notice to be erected on or near the main entrance to the land so as to be easily visible and legible from the public road. Photographs submitted with one of the third party observations clearly show that while the site notice was erected in the garden of the adjoining house, it faced the public road and was immediately adjacent to the site entrance. I am satisfied, therefore, that the site notice location was in compliance with the requirements of the Regulations.
- 7.7.2. Social Housing Provision: The proposed development comes within the provisions of Part V of the Planning and Development Act 2000 (as amended) for the provision of social housing. The applicant has consulted with the Planning Authority and a report from the Fingal County Council Housing Procurement Section was submitted with the application stating that an agreement to provide 10% of units on site had been made. I consider this proposal to be acceptable and a standard Condition requiring agreement with the Planning Authority should be imposed.

8.0 **Appropriate Assessment**

- 8.1. The closest Natura 2000 sites that could be impacted on by the proposed development are Rogerstown Estuary SAC and SPA (Site Codes 000208 and 004015) which are located c. 1.5km to the south, and Rockabill to Dalkey Island SAC (Site Code 003000) which is located c. 2.1km to the east. Other Natura sites within 15km are Skerries Islands SPA, Rockabill SPA, Lambay Island SPA and SAC, Malahide Estuary SAC, Broadmeadows/Swords Estuary SPA, Baldoyle Bay SAC and SPA.
- 8.2. An Appropriate Assessment Screening Report was submitted with the planning application. The Report only addresses the proposed development and does not consider 'in combination' effects with other projects, such as the related infrastructure development Reg. Ref. F15A/0294 and the application for 129 houses which is currently under appeal (ABP Ref. PL06F.247032). Both of those applications included separate AA Screening Reports.
- 8.3. The AA Screening Report submitted with this application concludes that the conservation objectives of the Natura 2000 sites will not be compromised provided sufficient capacity exists for the additional sewage treatment. However, the 22 houses proposed in this application are intended to discharge to sea in the temporary case until the final connections are made to the WWTP in c. 2 years. As already noted, I do not consider it appropriate for the 22 houses to be permitted to discharge to sea for 2 years, and I consider that occupation should be restricted until the wastewater system is connected to the WWTP.
- 8.4. The AA Screening Report states that the site drains to a small stream which opens onto the northern end of Rush beach, c. 1.6km from the Rockabill to Dalkey Island SAC and slightly further by water from Rogerstown Estuary. However, it then goes on to state that there are no watercourses, and that the only likely outflow of material would be during construction of the surface drainage system or through material deposited on paving. The first statement would appear to be erroneous, as I

confirmed on my site inspection that there are no watercourses passing through or alongside the site. Having regard to the Source-Pathway-Receptor model, I note therefore that there will be no direct pathway between the proposed development and the Natura 2000 sites during construction.

8.5. A Construction Management Plan (CMP) was also submitted with the application. While it is generally satisfactory in terms of detail and management measures, it does not include sufficient information on the best practice construction methods that will prevent any run-off of oils, chemicals etc. Notwithstanding the absence of a direct pathway, I consider that a revised CMP incorporating these additional details should be submitted to the planning authority for agreement prior to commencement.

8.6. Subject to compliance with the Condition restricting occupation of the 22 houses until they are connected to the WWTP, and having regard to the Source-Pathway-Receptor model, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any other European site, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

9.0 **Recommendation**

9.1. I recommend that planning permission should be granted, subject to conditions as set out below.

10.0 **REASONS AND CONSIDERATIONS**

10.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the

area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

11.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 following changes shall be incorporated into the overall layout.
 - (a) The design of house No. 1 shall be revised to provide a more active southern elevation to the internal road.
 - (b) The 1.0m high boundary wall/fence on the eastern site boundary shall be changed to a Type 1 boundary wall (2.0 metre high wall).
 - (c) The boundary treatment either side of the access point onto Park Road shall not exceed 0.9 metres in height.
 - (d) The access to Park Road shall be closed to vehicular traffic, but retained for pedestrian/bicycle traffic, once the east-west road to the north of the site is constructed.

Details of the above changes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity and traffic safety.

3. The 22 houses hereby permitted shall not be occupied until:
 - (a) The wastewater infrastructure serving the development is discharging to the Portrane, Donabate, Rush and Lusk Wastewater Treatment Plant.
 - (b) The works to widen and improve Park Road and the internal roads and footpaths serving the development, as permitted under Reg. Ref. F15A/0294, are complete.

Reason: In the interests of public health, environmental protection and traffic safety.

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

Reason: In the interest of visual amenity.

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. 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.

7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs, traffic calming measures and

footpath dishings shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and traffic and pedestrian safety.

8. Public lighting shall be provided in accordance with a scheme to be agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the occupation of any house.

Reason: In the interest of amenity and public safety.

9. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

10. The construction of the development shall be managed in accordance with a revised 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

11. Prior to the commencement of development precise details of all boundary treatment including boundary treatment between the rear gardens of the

proposed units shall be submitted for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

12. 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.

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

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 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.

14. 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.

15. 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, 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.

Niall Haverty

Planning Inspector

14th October 2016