



An
Bord
Pleanála

Inspector's Report PL17. 247430

Development	Erect 94 houses.
Location	Kilmessan, County Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	15/1362
Applicant(s)	Leonard Price Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Margaret & Martin Keane
Observer(s)	Skane Valley Community Council
Date of Site Inspection	23 rd January 2017
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. Kilmessan village is located about mid-way between the new M3 and the R154 regional route which links Trim to Clonee in County Meath. The area is crisscrossed by a network of local roads which link smaller villages (for example Kilmessan and Dunsany) with larger towns (Dunshaughlin, Trim and Navan). Kilmessan is a reasonably large rural village with a collection of retail uses (shop/pharmacy/two pubs). There is a National school, a Catholic church, a Church of Ireland church, a Garda station and post office. The Station House Hotel adjoins the landing holding of which the revised application forms part.
- 1.2. The site is located on the northern edge of the village adjoining the recently constructed housing development of Bective Lodge. The site is accessed through the Bective development over a short access road located between houses numbers 21 and 25 Bective Avenue. The site is an undeveloped greenfield site with a minor but noticeable slope north west to south east. There are some spoil heaps on site immediately adjoining the fenced off access to the Bective development. The rear elevations of numbers 21 to 30 back onto the application site. There is an unpaved access running between the south-eastern boundary and numbers 13 to 25 Bective Walk back onto the site. The boundaries are generally made up of native species. There are no significant trees on site.

2.0 Proposed Development

- 2.1. The originally proposed development comprised the erection of 94 houses with a playground, amenity walkway and future crèche. There were 44 type A three bed detached houses, 22 type B three bedroom semidetached houses, 13 type C four bed semidetached houses, 10 type D four bed detached houses, 5 type E four bed semidetached houses. The proposed development is located at Kilmessan, County Meath.
- 2.2. The proposed development was **amended** by information submitted on the 12th August 2016 which reduced the number of houses to 32. Ten type A three bed semi-detached houses, 10 type B three bed semidetached houses, 5 type C four bed semi-detached houses and t type D and E detached two storey houses. The crèche

has been omitted from the revised plans and the public open space has been re-organised from an original 3 or 4 smaller areas to a single centrally located space.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to conditions in accordance with the documents received on 16th December 2015, 12th August 2016 and 12th September 2016.

3.2. Planning Authority Reports

3.2.1. Planning Reports.

3.2.2. On foot of the initial planner's report the planning authority sought further information requiring the applicant to;

- Submit details of the availability of school places and provision of a crèche.
- Demonstrate how the proposed development complies with Policy SS OBJ of the Development Plan such that new developments would not add more than 15% to existing housing stock in any one village.
- Improve in public open space provision.
- Submit details of proposed external finishes.
- Submit additional details for access to the Main Street, turning bays at 92 and 93, cycling facilities, access for 21 and 25 Bective Avenue/Walk.
- Submit details of boundary treatments within the site.
- Submit revised layouts to provide 11m rear garden depths.
- Submit a flood risk assessment.
- Submit proposals to comply with Part V.
- Submit details of water supply and foul drainage works to the satisfaction of Irish Water.

- Submit details of surface water drainage arrangements to the planning authority's standards.
- Submit archaeological assessment of the site.

3.3. The applicant responded to the further information request on the 12th August 2016.

3.4. The final planner's report dated 22 September 2016 recommended a grant of permission subject to conditions.

3.4.1. Other Technical Reports

Environment Section reported (12th February 2016) no objection to the proposed development.

Environment Section (Flooding) reported (2nd February 2016) that some of the site may be subject to flooding and that a flood risk assessment should be submitted (FRA). A second report (dated 22 September 2016) reviewed the FI submitted by the applicant and concluded that the flood risk was acceptable.

Water Services Section reported (26th January 2016) dissatisfaction with the proposed surface water arrangements.

Public Lighting Section reported (22nd January 2016) no objection subject to conditions relating to the provision of public lighting.

3.5. Prescribed Bodies

Irish Water (reports dated 20th January 2016 and 13th September 2016) commented that the proposed development should be limited to 32 houses and that no further development should be permitted until Irish Water confirms capacity in the water distribution network.

Department of Arts, Heritage and the Gaeltacht recommended that a condition relating to archaeological protection be imposed on any grant of permission.

Inland Fisheries Ireland commented that the site is within the catchment of the Skane River which contains stocks of brown trout, salmon and lamprey and should

have been returned to good status by end 2015. Inland Fisheries are particularly concerned about in-stream works.

An Taisce commented that schools provision in the village is inadequate, that there is a lack of public transport and that the Navan/Dunboyne rail link is unlikely to be re-opened.

3.6. **Third Party Observations**

There are third party observations which generally reflect the concerns set out in the appeal and observations made to the Board.

4.0 **Planning History**

Under reference number TA801238 permission was granted for an access through Bective Lodge and realignment of boundaries of number 21 Bective Avenue/ 26 Bective Walk. The lifetime of this permission was extended to 16/12/2018.

5.0 **Policy Context**

5.1. **Development Plan**

The Meath County Development Plan 2013/2019 is the relevant development plan for the area.

Kilmessan is designated in the settlement strategy as “village- local centre for services and local enterprise development”. The Development Plan includes a zoning map for the village with a designated development boundary. The site is zoned for residential development in the zoning map.

The Meath County Development Plan 11.2.2.2 requires that a minimum of 15% of residential development be provided as public open space.

5.2. Natural Heritage Designations

The site is not within a Natura 2000 site – see AA screening below.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows;

- The proposed development will generate an additional 400 vehicles through Bective Avenue. There is already congestion in Bective Avenue because of lack of car parking spaces and this endangers public safety, especially of children going to school. Condition number 6 does not adequately address traffic safety.
- The drawings submitted with the application do not show Bective Avenue and may be defective.
- The internal roads through Bective Avenue are inadequate to accommodate additional traffic. There is no additional provision for construction traffic.
- The proposed development will negatively impact on residential amenity within Bective Avenue.
- Landscaping within the proposed development is inadequate.
- Local schools are inadequate.

6.2. Applicant Response

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

- This phase of development comprises 31 houses which will be accessed through Bective Lodge and it is not necessary to construct a new access onto Main Street. If there is inadequate parking within the existing development that it not a matter for the applicant in this case.
- The proposed development provides adequate car parking.

- The road layout in the proposed development is acceptable and does not impact on Bective Avenue (the main public road in the control of the planning authority).
- There is adequate capacity in the local primary school to accommodate the needs of the proposed development.

6.3. **Planning Authority Response**

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

- The permitted development comprises 32 houses.
- The planning authority's reports on file explain the final decision.

6.4. **Observations**

Skane Valley Community Council commented on the application as follows;

- The conditions attached to the grant of permission do not deal with all the objections raised at application stage.
- The proposed development will generate large volumes of traffic through Bective Lodge Estate creating noise, fumes and impacts on the health of residents.
- The access to Bective Lodge is opposite Kilmessan primary school and traffic calming measures should be put in place before development commences.

6.5. **Further Responses**

There are no further submissions.

7.0 **Assessment**

- 7.1. This application originally proposed 94 houses. This was amended to 32 units by the submission of further information received by the planning authority on the 12th August 2016 and the decision to grant permission/Managers Order referred to this further information. Condition number 5e required the omission of house number 14 and condition 3 limited the permission to 31 houses. This report will consider the

application for 32 houses provided for in additional information submitted on the 12th August 2016 and the subject of the planning authority's decision.

- 7.2. The issues to be considered in the present case are Development Plan zoning and policy in relation to the site, community facilities, traffic safety, public and private open space, public water supply, sewerage and surface water, flooding, traffic safety, appropriate assessment.
- 7.3. **Development Plan Policy.**
- 7.4. The proposed development is located on lands zoned "for provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy" the Meath County Development 2013- 2019. The village is enclosed within a development boundary and the site is wholly within that boundary. The village is designated a "village- local centre for services and local enterprise development" in the settlement hierarchy with an allocation of 40 additional houses in the period up to 2019. There is only one other much smaller area zoned for new housing he development in the Plan.
- 7.5. Having regard to the settlement hierarchy set out in the County Development Plan, the zoning of the site for development and the quantum of development proposed which roughly equates to the quantum of additional residential development envisaged in the Plan I consider that the proposed development accords with the provisions of the Meath County Development 2013- 2019.
- 7.6. **Community Facilities**
- 7.7. The Childcare Facilities Guidelines for Planning Authorities (DOE June 2001) require the provisions of appropriate childcare facilities in housing developments in excess of 75 units. The number of units in the present application is 32. It follows that the threshold for separate childcare facilities has not been reached and there is no requirement to provide childcare facilities in accordance with the guidelines. It is noted that the applicant makes reference to further phases of development and it may be that childcare facilities may be more appropriately considered as part of those further phases of development.
- 7.8. The appeal makes the case that there are inadequate primary school places in the village to accommodate additional population. The applicant makes the case in the

response to the planning authority's further information request that given the reduction in the proposed number of houses from 94 to 32 that the planning authority has agreed further information in relation to community facilities in the area is unnecessary. It may be noted that the issue of school provision is addressed in the "Provision of Schools and the Planning System A code of Practice for Planning Authorities, the Department of Education and Science and the Department of Environment, Heritage and Local Government" (jointly published by the two Departments in July 2008). This guidance addresses the issue of school provision at the policy level and does not specifically reference development management practice. The County Development Plan incorporates a Kilmessan Written Statement (copy in pouch attached) which includes an objective (CF POL 1) to protect the lands to the rear of the existing national school for future development of a school. This application does not affect these lands zoned for community uses and therefore does not undermine the objective. Having regard to the relatively small number of residential units proposed in the revised application and the proximity of the site to the existing school that it would be unreasonable to refuse permission in this case on the basis of lack of educational facilities.

7.9. Public/Private Open Space

- 7.10. The appeal makes the point that the proposed development is deficient in the provision of public open space. The revised site layout (drawing number 15143-PP-04 Rev A1) submitted on the 12th August 2016 amalgamates the originally proposed four parcels of public open space to a larger centrally located space overlooked by the adjoining houses and with pedestrian connectivity. The applicant makes the case that the revised open space gives about 17% of the amended site (this is the Phase 1 revised down from 94 to 32 units) which meets the County Development standard of 15% of residential site being given over to public open space. The planning authority agreed with this revision and decided to grant permission accordingly.
- 7.11. Having regard to the improved provision of opens space provided in the revised submission, its central location and passive supervision by being overlooked from the adjoining houses I conclude that the quality and quantum of space meets the Development Plan standards and will reasonably contribute to the residential amenity of the proposed development.

- 7.12. The planning authority in its request for further information requested amended layouts for the houses to ensure that all rear gardens are 11m long. Having regard to the revised submissions received and the comments of the planning authority I am satisfied that all rear gardens are 11m long.
- 7.13. **Public Water Supply, Sewerage and Surface water.**
- 7.14. The County Development Plan states that the Dunshaughlin Sewerage Scheme has a total capacity of 12,000 pe of which 2,500pe is available. The initial Irish Water report expressed concern at the scale of the proposed development particularly in relation to water supply but did not comment negatively on the capacity of the public sewerage system. The second report, following the reduction from 94 to 32 houses, stated that there were no further objections on waste water disposal grounds. Having regard to the comments set out in the County Development Plan and the reports from Irish Water I conclude the proposed development can be drained to the MWWTP safely.
- 7.15. The County Development Plan states that the Kilmessan water supply network has a remaining capacity to supply 200pe. The initial Irish Water Report commented unfavourably on the water supply arrangements given the number of units then proposed. The second report (dated 13th September 2016) recommended permission for the revised application for 32 houses. I conclude that there is sufficient capacity in the public water supply system to serve the proposed development.
- 7.16. The original application (see Drainage Design Report submitted with the application on the 16th December 2015) proposed that the surface water would be collected on site and discharged to an existing open drain on the eastern boundary of the site. The collection system would be run through an oil interceptor to remove hydrocarbons before entering the open drain. The planning authority sought additional information in relation to surface water disposal requiring, *inter alia*, the integration of SUDS into the proposal and relocation of the attenuation tanks. The applicant submitted a revised storm drainage layout (drawing J16-067 001 Rev A 12th August 2016) which provides a stone soakaway under the public open space providing attenuation/infiltration. This will limit the discharge rate to the adjoining stream to greenfield rates. It's not clear that the Water Services section reviewed this

report but planning authority's environmental services section had no objection to the application and the planning authority was satisfied with the application did not give rise to a likelihood of flooding.

7.17. The planning authority's condition number 5(c) required the omission of house number 14 and the redesign of house number 13 in order to allow for the construction of a surface water outfall to the open drain along the eastern boundary of the site. The Board received a copy of J16-067 001 Rev C on the 30th January 2017 and it is not entirely clear that house number 14 has to be omitted and house number 13 redesigned to accommodate the surface water drain to the open stream on the northeast of the site since that drawing allocated a wayleave on either side of the proposed surface water drain. I do not see any merit in reducing the density of the scheme on serviced and zoned land if such can be avoided, therefore, I have set out condition 3 in the draft order below to address this issue.

7.18. Having regard to the additional information submitted, and in particular the provision of permeable paving and attenuation measures, I conclude that storm water flow to the adjoining stream along the eastern boundary will be appropriately mitigated and is acceptable.

7.19. **Flooding**

7.20. The initial Environment (Flooding) report (February 2, 2016) states that area between the Skane River and the eastern boundary of the site may be at risk of flooding and sought a flood risk assessment (FRA) as additional information. The applicant submitted a FRA on the 12th August 2016 and this concluded that the site is not within the flood plain of the Skane River and that the risk of flooding is negligible.

7.21. The FRA was reviewed by the planning authority (see Environment Report dated 22nd September 2016) the planning authority agreed with the applicant's assessment.

7.22. The Planning System and Flood Risk Management Guidelines for Planning Authorities (DOEHLG 2009) is the relevant guidance on flood risk assessment. The site is within an area Zone C – low probability of flooding. The submitted FRA makes the case that notwithstanding the low probability of flooding occurring (a 0.01%

chance of flooding from the Skane) that the FRA factors in a 20% allowance for climate change into its calculations and that there remains a freeboard of between 0.3m and 0.5m between the finished floor levels of the development and an anticipated flood event. I conclude, having regard to the material submitted with the application, the FRA submitted as further information and the reports of the planning authority, that the risk of flooding is low and is acceptable.

7.23. Traffic Safety

- 7.24. The appellants make the case that the proposed development will give rise to additional traffic exiting the proposed and existing Bective Lodge and excessive traffic flows within the existing Bective Lodge development which will give rise to traffic hazard.
- 7.25. The access from the existing Bective Lodge development onto the public road/Kilmessan Main Street is within the built up area of Kilmessan village and within the 50kph speed limit. There is public lighting in the area and a footpath links the development to the village centre. There is a car park (about 32 car spaces with bus parking) between the public road and the National school. This parking serves the adjoining church and the school. I do not consider that the additional traffic existing the Bective development at this point has the capacity to materially affect traffic flows or traffic safety on the public road or parking or school sit-down/pick-up patterns for the adjoining school. The planning authority imposed a condition (condition 6a) in the decision to grant permission which requires works to be carried out at the junction of Bective Lodge with the Main Street and references a permission granted under reference number DA110110 (copy history attached). This junction is outside the application site and that permission was granted to a different applicant than the applicant in the present case. I do not replicate the planning authority's condition in the draft order set out below.
- 7.26. In relation to the issue of additional traffic within Bective Lodge it should be noted that the proposed development comprises 32 units which could be reasonably expected to give rise to less than 60 additional cars. Not all of these will generate daily traffic movements. I consider that the roads within Bective Lodge to be adequately designed with footpaths on both sides and having regard to the reasonably foreseeable additional traffic movements resulting from the proposed

development I conclude that the proposed development will not give rise to traffic hazard.

- 7.27. Table 11.9 “Car parking Standards” in the County Development Plan requires two spaces per ‘conventional dwelling’. It is not clear from the amended site layout or other additional information submitted on the 12th August 2016 that provision is made for this requirement. I recommend therefore that a condition should be attached requiring the provision of two spaces per house to meet the County Development Plan standards.
- 7.28. **Appropriate Assessment.**
- 7.29. The application included an AA screening report and NIS which identified the River Boyne and River Blackwater SAC (002299) as being located within 4kms of the site and therefore within the 15kms limit for assessment ordinarily recommended by the NPWS. The River Boyne and River Blackwater SPA (004232) is also within the 15kms assessment limit and the Kingfisher is the sole special conservation interest for this European site.
- 7.30. The NPWS has published a generic conservation objective for the River Boyne and River Blackwater SAC (002299) ‘To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected’. The designated habitats are alkaline fens and alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae*(* denotes a priority habitat). The designated species are; river lamprey, salmon and otter.
- 7.31. The NIS (starting at page 17 of the Enviorview Consulting Services report received by the planning authority on the 16th December 2015) identifies surface water run-off during construction phase and foul effluent to the public WWTP during the operational phase. The mitigation measures include prevention of surface water run off to the River Skane, machinery refuelling being carried out within designated site compounds a minimum of 50m from the Skane River, waste oils being collected and removed off site. The NIS assumes that there is a properly licensed and functioning municipal waste water treatment system to accommodate foul effluent from the proposed development.

- 7.32. I consider that the construction phase mitigation measures set out in the NIS are reasonable and implementable and will prevent runoff from the site into the Skane River. Having regard to the information available in the Meath County Development Plan in relation to the capacity of the MWWTP and the comments of Irish Water I conclude that it can be concluded that the proposed development will not adversely affect water quality in the SAC as a consequent of inadequate effluent treatment. Finally having regard to the form of development proposed, the likely emissions, the distance from the Skane River and absence of ecologically significant habitat disturbance envisaged by the proposed development I consider that it will not impact on the kingfisher for which the SPA has been designated.
- 7.33. It may be noted that the planning authority carried out an AA and concluded that the proposed development would not have a significant effect on a Natura 2000 site. In this context I also note the submission from Inland Fisheries Ireland referred to the potential for pollutants entering the Skane river during the construction phase and particularly from in-stream works. It may be noted that the Skane River is about 40M outside the site boundary and there are no in-stream works proposed as part of this application.
- 7.34. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Boyne and River Blackwater SAC (002299), River Boyne and River Blackwater SPA (004232) or any other European site, in view of the sites' Conservation Objectives.
- 7.35. **Planning Authority's Condition 4.**
- 7.36. The planning authority imposed condition number 4 which required that houses 1, 19 and 24 be amended to be dual aspect. Having regard to drawing number 15143-PP-02 which illustrates house type D (proposed houses 19 and 24) and drawing number 15143-PP-02 which illustrates house type E (proposed house number 1) I conclude that these houses are dual aspect and I do not repeat that condition in the draft order below.

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend a grant of permission for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the zoning of the site for residential development set out in the Meath County Development Plan 2013 to 2019, to pattern of residential development in the area and the availability of public services and road network it is considered, subject to compliance with the conditions set out below, that the proposed development would not give rise to traffic hazard or seriously injure the amenity of residential property in the vicinity and would accord with the Meath County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12th day of August 2016 and on the 12th day of September 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 proposed access to the application site located between house numbers number 21 Bective Avenue and 26 Bective Walk (including road metaling, footpaths, street lighting and road drainage) shall be completed prior to commencement of the remaining elements of the proposed development.

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

- 3 The surface water drainage layout shall be completed on accordance with drawing number J16-067 001 Rev C received by the planning authority on the 13th September 2016. Prior to commencement of development detailed drawings providing for the layout of proposed houses 13 and 14 relative to the proposed surface water outfall pipe shall be submitted to and agreed in writing with the planning authority. In default of agreement the matter may be referred to An Bord Pleanála for determination.

Reason: In the interests of public health and clarity.

- 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 Prior to commencement of development the developer shall submit to and agree with the planning authority a car parking scheme which accords with table 11.9 “Car parking Standards” in the County Development Plan.

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

- 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.

Reason: In the interests of visual and residential amenity.

- 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 All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

Reason: In the interests of residential and visual amenity.

9 The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10 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.

Reason: In the interests of public safety and residential amenity

11 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/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 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 place names for new residential areas.

12 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Details of screen planting.
 - (iii) Details of roadside/street planting.
 - (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

- 13 A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 14 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.

- 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, 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.

Hugh Mannion
Planning Inspector

2th February 2017