



An  
Bord  
Pleanála

## Inspector's Report PL09.247614

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<b>Development</b>	Demolish dwelling and construct 34 dwellings internal roads, new entrance, ESB substation.
<b>Location</b>	Mariaville, Dunboyne Road, Maynooth
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	16/167
<b>Applicant(s)</b>	Southport New Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Southport New Homes Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> February 2017
<b>Inspector</b>	Joanna Kelly

## 1.0 Site Location and Description

- 1.1. The appeal site, with a stated site area of 2.02ha, is located on the Dunboyne Road (R-156) approximately 300m north of Maynooth Town. There is a single storey dwelling on the site which it is proposed to demolish to accommodate the housing development. The house is currently boarded up with evidence of dumping on the site.
- 1.2. The site falls steeply from the public road to the rear which is bounded by the Lyreen river, a tributary of the Rye water. The dwelling on the contiguous site to the north is located at a lower level than the public road. The dwellings adjacent to the appeal site comprise predominantly of detached two-storey dwellings some of which are more recent constructions.
- 1.3. The Lyreen river serves as an amenity to the west of the site and is characterised by mature trees. The rear of the appeal site (lands at lower level) has the appearance of a flood plain and is notable soft underfoot. The site is a prominent site and is visible from lands to the south on the walkway linking this area to the town centre.

## 2.0 Proposed Development

- 2.1. The proposal provides for the demolition of a single storey dwelling and the construction of 34 no. two and three storey dwellings comprising of 1 no. two storey two-bedroom terrace dwelling, 2 no. two storey three bedroom terraced dwellings, 6 no. two storey three bedroom semi-detached dwellings, 1 no. two storey three bedroom detached dwelling, 8 no. three storey four bedroom semi-detached dwellings, 16 no. two storey four-bedroom semi-detached dwellings. The proposed development includes the provision of internal roads, a new entrance to Dunboyne Road, footpaths, private and visitor car parking, landscaping of public and private open spaces, foul and surface water sewers including the diversion of existing foul sewers, ESB sub-station, all associated site services and site developments works. A Natura Impact Statement is submitted with the application.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority refused permission for the following reason and considerations:

*Having regard to the **absence of sufficient information to determine the potential flood risk of the site, to permit the development in an area at risk of flooding, would be contrary to the proper planning and sustainable development of the area.***

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The first planning report noted a third party submission raising concerns in relation to overshadowing; previous history of refusal; amendment of house types to single storey; seeks that stone wall to front be replaced. The report outlines relevant planning history and planning issues.

The report sought further information in relation to contiguous elevations, traffic concerns, surface water details, flood risk assessment, and seeks response of applicant to submission from department of Arts, Heritage and Gaeltacht and Inland Fisheries Ireland.

The subsequent planning report deals with the applicant's response to further information. The planner considered the design of the houses generally acceptable. Reference is made to a recent permission for a single storey dwelling on the adjacent site and states that a revised house type for sites 1-6 should be included as a condition. The planner notes the concerns of the water services section and determined that the concerns were better sought as a clarification of further information and due to insufficient time to request same, and the lack of detail that the application should be refused.

### 3.2.2. Other Technical Reports

#### Water Services Report

Additional information required in respect of locations of the proposed surface water attenuation systems; clarification with regard to the effect of the proposed connection of road gulleys and surface-storm water runoff from the Dunboyne Road and the flows in the existing public surface water pipe upstream of proposed manhole S0 should also be submitted. Details required in relation to flood risk assessment.

#### Environmental Section

First report requires design details for petrol/oil interceptor.

Subsequent report indicates no objection subject to conditions.

#### Roads Department

Department mindful to refuse permission as the proposed development will create serious traffic congestion in the absence of the Maynooth Ring Roads particularly at the already over capacity main street/convent lane junction and Straffan Road and Main street junction.

Applicant is required to provide drawing showing sightlines on proposed development entrance as per DMURS; Traffic Impact Assessment of development on proposed location; Road Safety Audit on proposed development and Swept path analysis for the entire development.

#### Maynooth Area Office

Site is contaminated with Japanese knotweed and no fill is to be exported under any circumstances.

#### Fire Services

No objection subject to conditions

#### Housing Section

The application shall be subject to 10% Part V condition in accordance with Urban Regeneration and Housing Act, 2015.

#### Heritage Officer

Measures outlined in section 5.1 of NIS shall be attached as grant of permission.

### 3.3. Prescribed Bodies

#### Irish Water

Further information required in respect of *inter alia*, detailed design and pipe materials and calculations for the proposed foul drainage system; cross-sections showing compensatory flood storage with existing and proposed ground levels 1:100 and 1:1000 flood event levels and depths and impact to cover of existing and proposed services in particular foul sewers.

#### Department of Arts, Heritage and The Gaeltacht

A condition regarding archaeological monitoring is recommended.

#### Transport Infrastructure Ireland

The Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads.

#### Development Applications Unit

The proposed development is situated in a location likely to impact on the Natura 2000 site, Rye water/ Carton Estate SAC. The proposed development site is directly adjacent to the Lyreen River. The information submitted does not allay all of the concerns in relation to the likely impacts on natural heritage features associated with the Lyreen River and on the Rye Water Valley / Carton Estate SAC. It is not possible to adequately assess the impact of the proposed development. It is recommended that the applicant provide additional information to address concerns raised.

#### Fisheries Environmental Officer

The proposal is located adjacent to a tributary of the Lyreen River an important salmonid tributary of the River Ryewater. Salmonid waters constraints will apply to any development in this area. The Ryewater is exceptional in supporting Atlantic salmon and Sea trout. All measures necessary should be taken to ensure comprehensive protection of local aquatic ecological integrity, by complete impact avoidance in the first instance and through mitigation by reduction and remedy as a secondary approach.

Environmental Health Officer

No objection to the proposed development.

## 4.0 Planning History

The more recent and relevant applications pertaining to the appeal site area as follows:

**File Ref. No. 04/1563/PL.09.212508** Permission refused for demolition of habitable dwelling and the construction of 80 units on the site.

**File Ref. No. 06/2051** Permission granted to Garland Homes for demolition of dwelling and construction of 77 no. residential units on the site.

**File ref. No. 13/852** Application for extension of duration of File Ref. No. 06/2051 refused.

### **Site north of the application site**

**File Ref. No. 15/1083** Permission granted to Aisling Bean for single storey dwelling.

## 5.0 Policy Context

### 5.1. Design Manual for Urban Roads and Streets

This manual seeks to achieve better street design in urban areas by facilitating the implementation of policy on sustainable living by achieving a better balance between all modes of transport and road users. The Guidelines set out that street networks should be designed to maximise connectivity between destinations to promote higher levels of permeability and legibility for all users, in particular more sustainable forms of transport.

### 5.2. The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009

Flood risk assessments require identification and assessment of all three components:

- The probability and magnitude of the source(s) (e.g. high river levels, sea levels and wave heights);
- The performance and response of pathways and barriers to pathways such as floodplain areas and flood defence systems; and
- The consequences to receptors such as people, properties and the environment.

The ultimate aim of a flood risk assessment is to combine these components and map or describe the risks on a spatial scale, so that the consequences can then be analysed. FRAs need to consider the situation both as it is now and also how it might change in the future.

### 5.3. Kildare County Development Plan 2011-2017

Chapter 4 deals with housing policies.

### 5.4. Maynooth Local Area Plan 2013-2019

Part B of the LAP deals with policies and objectives.

It is the policy of the Council:

HP2 To ensure that the density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale and design and materials with adequate provision of open space.

HP 3 To encourage appropriate densities for new housing development in different locations in the town while recognising the need to protect existing residential communities and the established character of the area.

HP5 To require applications for residential developments over 20 units to demonstrate the provision of appropriate mix of dwelling types having regard to the following:

- The nature of the housing stock and existing social mix in the area
- The desirability of providing for mixed communities
- The provision of a range of housing types and tenures
- The need for provide a choice of housing suitable for all age groups and persons at different stages of the life cycle.
- The need to cater for special needs groups.

This LAP is also supported by Strategic Flood Risk Assessment prepared by consultants in response to the Section 28 Guidelines, The Planning System and Flood Risk Assessment, 2009.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

First Party Grounds of Appeal

The main points are summarised as follows:



- The western boundary of the subject site is bounded by the Lyreen River and parts of the site area located within the Flood Zones A and B. A site specific flood risk assessment was prepared and submitted at planning application stage.
- A detailed response to request for further information was submitted to the Planning Authority on 27<sup>th</sup> September 2016 setting out clear and comprehensive responses to all of the items raised in the request for further information. This submission clearly gave adequate comfort to the water services department who were prepared to permit the development subject to a number of conditions.
- An amended site specific flood risk assessment prepared by Kilgallen and partners is included at Appendix 1 which accommodates all of the detail of the amendments and clarifications required by the Water Services Department.
- A copy of the Soil Investigation report completed by IGSL is included at Appendix 4 as requested by Water Services department to be dealt with by condition. A residential unit has also been moved to accommodate a wayleave to an existing water sewer as requested.
- The planning authority had no grounds to refuse permission for the development particularly considering the water service department had no objection to the proposal.
- The appeal site is zoned for residential use and the public open space is provided along the Lyreen River on the western boundary of the subject site. The area allocated as public open space is significantly above the minimum 10% required in the development plan.
- The Maynooth LAP has identified the subject site as providing a potential of 73 units based on an approximate unit number assumed at 35 units per hectare within additional residential zoned sites. This is based on a site area of 2.1ha, however, it has been established that only c. 1.3ha of the site is outside the flood Risk Zones A and B and therefore suitable for development.
- A table is provided which refers to each criterion of the development control standards and how the proposal complies.

- A riparian ecological walkway is proposed adjacent to the Lyreen River as part of the c. 38% public open space provision.
- The traffic impact assessment comprehensively addressed the potential traffic impacts of the proposed residential development.
- An appropriate assessment and a Natura Impact Statement was included with the application.
- The transition from single storey to two storey typology at the northern boundary to Dunboyne Road above is not only appropriate but also deals satisfactorily with the need to ensure the preservation of neighbouring residential amenity.
- The submission concludes that the proposed development should be granted.
- With regard to Appendix 1 which responds to the Flood risk, and concludes that the subject development will not be at risk from flooding and will not give rise to an increase in flood risk elsewhere.
- A response is given by the applicant to each of the requirements from water services. These are dealt with in detail in the assessment hereunder.
- A flood risk site assessment report has been submitted with the appeal which was submitted with the planning application to the planning authority.

### **Planning Authority Response**

- The planning authority sought further information on 18<sup>th</sup> April 2016, the applicant responded to the FI request on 27<sup>th</sup> September 2016 resulting in a decision due date of 24<sup>th</sup> October 2016 which is outside the six-month time frame for making a decision.
- The applicant did not formally request a time extension prior to making a response to further information and in this regard, the planning authority made a decision on the basis of the information before it which was deemed insufficient.
- The planning authority deemed the principle of development acceptable.

- There are some detailed technical design issues relating to surface water drainage and flood risk that remained sufficiently ambiguous to warrant a 'prior to commencement' type condition to clarify outstanding issues to the satisfaction of the planning authority.
- It is not prudent to grant permission on the basis of outstanding significant flood risk issues.
- The Heritage officer recommends that the mitigation measures outlined in the NIS should be attached as conditions if permission is granted.

## 7.0 Assessment

Having regard to national, regional and local policies, inspected the site and immediate environs, and following examination and consideration of all the submissions and documentation on the file, I consider that the substantive planning issues pertaining to this *de novo* assessment can be encapsulated under the following headings:

- Flood risk
- Consistency with local area plan provisions
- Appropriate Assessment

### 7.1. Flood Risk Assessment

- 7.1.1. The primary reason for refusal by the planning authority pertains to flood risk. A site specific flood risk assessment was submitted with the application. It is set out that the site was identified in the SFRA as being significantly impacted upon by the 100 year flood and 1000 year flood risk zones. A justification test was carried out in regard to the proposal to classify the site for water-vulnerable development. This test determined that the site passed the justification test and that a site specific flood risk assessment accompany any application.

- 7.1.2. It is proposed that the lands adjoining the river Lyreen remain largely undeveloped. The development proposes the application of surface water management techniques, including *inter alia*, attenuation storage tanks and restricted outflow controls. The study submitted indicates peak flood flows in the stream at the western boundary as 40.1m<sup>3</sup>/s for a return period of 1 in 100 years and 55.1m<sup>3</sup>/s for return period of 1,000 years. These estimates provide for a climate change factor of 20%. A hydrological model was developed using the river and flood analysis module of the industry standard package Infrastructure Ultimate Design Suite. The applicant has set out that the minimum floor level should be set above the estimated 1 in 100year flood level with appropriate freeboard, in this instance 500mm above the 1 in 1000year flood level.
- 7.1.3. There is to be a loss of floodplain storage due to the built development (infrastructure) which is to be located within existing Flood Risk Zones A and B. The volume lost was quantified as part of the SSFRA and compensatory storage is provided at other locations within the site to offset this floodplain storage. The compensatory storage is provided by reducing ground levels at other parts of the site.
- 7.1.4. The surface water network for the development will discharge to the Lyreen River. It is proposed to restrict discharge to 5 litre/s so as not to lead to an increase in flood risk. The estimated peak flood in the Lyreen is 40,100 litres/sec for the 100year flood and 55,100 litres/sec for the 1000year flood. The maximum discharge is calculated as 0.012% and 0.009% respectively. Figure 4.2 indicates the flood levels post development and the applicant sets out that there will be no change in the extent of flood zones. Whilst this maybe the case, there are four units which straddle the flood zone 1:100 and 1:1000 year flood zone in the south-west corner and I would recommend the omission of these units and incorporation of these lands into the open space area. The Board should note that both flood zones A and B are located in very close proximity to each other.
- 7.1.5. With regard to the existing outfall through the site, is it set out that an existing 225mm diameter surface water outfall enters the site at its western boundary and runs in a westerly direction to discharge to the Lyreen River. This outfall pipe is not integrated into the surface water network for the development. The applicant indicates that although the rate of discharge from the development is low, it could

exceed the available capacity in the outfall pipe. Accordingly, the existing outfall pipe downstream of the development discharge point will be replaced with a 300mm dia. pipe, increasing the capacity of the outfall pipe by 80% from 52 litre/sec to 11 lit/sec.

- 7.1.6. The applicant has amended the SSFRA so as to incorporate the concerns of water services section. Having reviewed the information available on file and pursuant to site inspection, I consider that the site in the main is suitable for a residential development. I note the flood risk management policies provided for in section 7.6.5 of the LAP and consider that the proposed complies with such provisions. There is sufficient information on file to address the flooding concern. I consider that as there will be displaced ground due to the amended levels proposed, and given the proposed proximity of units 31-34 to the Flood A and B zone, that in the interests of ensuring there is no additional risk to future occupants of the proposed units that units 31-34 be omitted. These lands should be reserved for open space use.

## 7.2. Design and Layout

- 7.2.1. The appeal site is primarily zoned land use zoning objective “C” – new residential. There is a small portion of the site zoned town centre where the current dwelling is to be demolished. It is noted that despite the town centre zoning, the current established use on this portion of town centre zoned lands is residential. As such I consider that the development of all residential uses on the lands are acceptable.
- 7.2.2. Notwithstanding the constraints of the site, the proposed residential design solution presented by the applicant has merit. It is considered that the proposed scheme ensures that the development will contribute to the urban streetscape along the Dunboyne Road, although a terraced block along the streetscape would have provided a stronger urban edge. The site is highly visible from lands to the west and lands immediately south of the site along the Lyreen River. The incorporation of three-storey units achieves higher density at this location and contributes to passive surveillance of the walkway to the Lyreen river.
- 7.2.3. The proposed units types are as follows:
- House Type A consists of a 4-bed 3-storey semi-detached unit. The minimum rear amenity space associated with these dwellings is 87sq.m.

House Type B and B1 are 2-storey 3 bed units. (units 1,2, 6 (detached unit) and 31-34 comprise of these units). Units 32 and 33 have 62sq.m. and 67sq.m. respectively of private amenity space.

House Type C is a two storey 4 bed unit with private amenity space ranging from 70sq.m. to 105sq.m.

House Type D and E refer to units 3-5 along the northern boundary of the site where there is a way leave. This 3-unit terrace steps down due to levels on site. Type D is a 3 bed unit while Type E is a 2 bed unit with 55sq.m. of rear amenity space.

- 7.2.4. In general, the house types are considered adequate with appropriate storage space and private amenity space. In light of the site constraints, the units are orientated such as to maximise sunlight and views onto the public open space. The units are considered to have been designed such that they lend themselves to be adapted in the future.
- 7.2.5. With regard to public open space, the western portion of the lands are to be provided as a public area and landscaped. The use of this land for public open space contributes to the development of a linear open space along the river Lyreen. As discussed units 31-34 are considered such that should be omitted to reduce potential for flooding. These units are also considered to be awkwardly positioned on the site to increase residential unit numbers.
- 7.2.6. Access and parking provisions are considered acceptable and the development is considered to generally be consistent with the principles provided for in DMURS and the Sustainable Residential Development in Urban Areas 2009.

### 7.3. **Appropriate Assessment**

- 7.3.1. With regard to the provisions of Article 6 of the Habitats Directive it is first necessary to consider is the project likely to have a significant effect, either individually or in combination with other plans and projects, on the European site(s) in view of the site's conservation objectives.
- 7.3.2. Screening for appropriate assessment was carried out by the applicant. The screening report notes in section 3.1 that a desk study was carried out to identify Natura 2000 sites within 10km of the site. The report concludes that the proposed

development will not have a significant effect on the Natura site Rye Water Valley/Carton SAC.

7.3.3. Stage 1 – Screening

7.3.4. With regard to the provisions of Article 6 of the Habitats Directive it is first necessary to consider

“Is the project likely to have a significant effect, either individually or in combination with other plans and project, on the European site(s) in view of the site’s conservation objectives”

7.3.5. There is one European Sites located within a 15 kilometre range of the proposed project i.e. Rye Water Valley/Carton SAC (Site Code 001398). This site is approximately 1km north east of the appeal site (as the crow flies).

The conservation objective for this site is “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:

**Code Description**

7220 Petrifying springs with tufa formation (Cratoneurion)\*

\* denotes a priority habitat

**Code**

	<b>Common Name</b>	<b>Scientific Name</b>
1014	Narrow-mouthed Whorl Snail	<i>Vertigo angustior</i>
1016	Desmoulin's Whorl Snail	<i>Vertigo moulinsiana</i>

The appeal lands are not directly connected to this Natura site. The screening report submitted by the applicant indicated that as the proposed development is adjacent to the Lyreen River, which forms part of the Rye Water/Carton SAC there may be risk of pollution of surface water or groundwater and as significant effects cannot be excluded, appropriate assessment is required. I would concur that likely significant effects cannot be ruled out in light of the conservation objectives.

7.3.6. Considerations of significant effects on Rye Water/Carton Valley SAC (Site Code 001398)

The primary likely significant effect within the context of the Rye Water/Carton Valley SAC conservation objectives is the risk of pollution to local watercourse, namely the Lyreen river which straddles the site boundary to the west, during construction and also the discharge of polluted water via ground/surface water post construction that may affect the maintenance of favourable conservation conditions of particular snail species identified in the conservation objectives. As identified in the NIS, the snail species require very stable hydrological conditions. Petrifying springs are also sensitive to such changes. The Vertigo species are located approx. 12km downstream of the proposed site at Louisa Bridge.

7.3.7. The key issue is whether the proposed development either alone or in combination with permitted level of development is such that would be likely to adversely affect the integrity of the Natura 2000 site in view of its conservation objectives. Having regard to the proposed mitigation measures as part of the development in general which will mitigate the risk of pollution to the Lyreen river: the recommendation to omit 4 no. units having regard to their proximity to the flood zone and the distance of the watercourse to the location of the species identified in the conservation objectives, I consider that proposed development does not give rise to likely significant effects on the site in view of its conservation objectives. There are no other existing or proposed projects in the immediate vicinity that would give rise to in-combination effects within the context of the site's conservation objectives.

7.3.8. AA determination – Conclusion

Having regard to the Natura Impact Statement and characteristics of the proposed development, I consider that the proposed development would not result in the loss of any Annex I habitat or any Annex II species. The proposed drainage arrangement would not give rise to any likely significant effects on the Rye Water/Carton Valley SAC in the context of its conservation objectives. It is therefore concluded that



subject to the carrying out of the proposed mitigation measures contained in the NIS there would be no adverse impact on the integrity of the Rye Water/Carton Valley SAC either alone or in combination with other plans or projects in view of the site's conservation objectives.

## 8.0 Recommendation

8.1. I recommend that the proposed development should be **GRANTED** subject to the conditions hereunder.

## 9.0 Reasons and Considerations

Having regard to the zoning objective of the appeal site, to the pattern of development in the area, it is considered that, subject to compliance with the conditions set below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would result in an acceptable standard of residential accommodation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Within three months of the grant of this permission, the developer shall submit revised plans providing for 30 residential units only.
  - (a) Units 31-34 shall be omitted and these lands shall be incorporated into the public open space.
  - (b) Proposals for the landscaping of these lands shall also be submitted for the agreement of the planning authority.
  - (c) The access road serving units 33 and 34 shall be omitted.

**Reason:** In the interests of orderly development

3. 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.

4. 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

5. 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) Contoured drawings to scale of not less than [1:500] showing –

(i) a survey of all existing trees and hedging plants on the site and to the perimeter, their variety, size, age and condition, together with proposals for their conservation or removal

(ii) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials

(iii) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(iv) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established

(v) A timescale for implementation including details of phasing, which shall provide for the planting to be completed before the building is first made available for occupation

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

6. 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 interest of amenity and of traffic and pedestrian safety.

7. 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. Roof colour shall be blue-black, black, dark brown or dark grey in colour only

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

8. Proposals for naming and house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development The proposed name 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 units.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of orderly development.

10. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (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) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) 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;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) 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.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

13. 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.

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

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Joanna Kelly  
Senior Planning Inspector

6<sup>th</sup> March 2017