



An
Bord
Pleanála

Inspector's Report PL18.248053

Development	Demolition of existing house, shed and garden walls and partial removal of stone boundary wall and construction of 16 no. residential units and all site works.
Location	Railway View, Kilnacloy, Monaghan Town, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	16/374
Applicant	Jason Croarkin
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John E. Coyle Ltd., Killian Coyle and Tony Coyle
Observer(s)	None
Date of Site Inspection	11 th May 2017
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.37 ha, is located at the junction of the N54 and Plantation Road to the north of Monaghan Town Centre. The site is roughly triangular in shape and features an existing single storey house in its south eastern corner, with the remainder of the site undeveloped. The site has a significant fall from east to west (i.e. from the N54 roadway towards the rear of the site).
- 1.2. The site boundaries are formed by either stone walls or hedging, and the site is bounded by the N54 to the east, Plantation Road to the south, sports grounds to the west and residential development to the north. A Lidl supermarket is located on the southern side of Plantation Road, opposite the appeal site, while a number of industrial/commercial units and detached houses are located to the west.

2.0 Proposed Development

- 2.1. The proposed development, as amended following a request for further information, consists of:
 - Demolition of existing house, shed, walls and partial removal of stone boundary wall.
 - Construction of 16 residential units, comprising:
 - 8 No. three bedroom, two storey terraced houses.
 - 2 No. four bedroom, two storey terraced houses.
 - 6 No. two bedroom apartments in a three storey block.
 - Vehicular access via Plantation Road, and associated car parking, bin storage, landscaping etc.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Monaghan County Council decided to grant planning permission subject to 22 conditions, including the following:

- C1: Dwellings 1 and 16 to be omitted and replaced with public open space.
- C2: Ramp to replace steps to rear of dwelling number 1, and all footpaths to be 2m wide.
- C3: Entrance to be relocated 6m to north east.
- C4: Revised plans to be submitted to ensure minimum floorspace of apartments complies with Guidelines. Grey brick finish to apartments to be replaced with red brick.
- C12/13: Detailed requirements for roads and drainage arrangements. Visibility splays of 34m to north east and 45m to south west shall be provided.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's final report can be summarised as follows:

- Principle of development is acceptable and will help to secure Objective SSO8.
- Provision of public open space is acceptable.
- Landscaping scheme is acceptable.
- Car parking provision is adequate.
- Satisfied that design proposals address overlooking issues.
- Overall floorspace requirements of three of the apartments, and storage provision for all apartments is substandard and doesn't comply with Design Standards for New Apartments Guidelines for Planning Authorities 2015. Given that remaining standards have been exceeded in some areas, layout of apartments could be amended by way of condition to meet required standards.
- Disputed storm sewer was constructed on foot of permission 92/30030 granted to John E Coyle Ltd. to replace an open drain which ran along edge of factory building. Open drain facilitated discharge from other properties/lands in the area and the storm sewer therefore has a public

purpose. Existing sewer collects surface water from Belgium Park and gullies on Plantation Road.

- Relocation of entrance by 6m to north east will allow sight lines of 45m x 2.4m to be achieved without requirement for third party agreement. This results in a requirement for dwelling number 1 to be omitted.
- Given reduction in parking on the N54 and the distance of the remaining parking from dwelling number 16, this unit should be omitted.
- Stage 2 Appropriate Assessment not required.

3.3. Other Technical Reports

3.3.1. Municipal District Engineer:

- No objection subject to conditions.
- Response to observation:
 - MCC is in ownership of Plantation Road from junction to junction.
 - Manhole where proposed connection from new development to existing sewer is in the public carriageway.
 - All new and existing sewers to be jetted, CCTV and condition surveys to be forwarded to MCC on completion.
 - Development has capacity for 1 in 100 year storm event. No history of flooding in area.

3.3.2. Water Services:

- No objection subject to conditions.
- Contrary to observer's claim, the public foul sewer does not pass through John E. Coyle Furniture Factory site. It passes through Lidl site, onto Glaslough Street and on Plantation Road and Peter's Lake car park.

3.3.3. **Road Design Office:** No objection subject to conditions.

3.3.4. **Environment Section:** No objection subject to conditions.

3.3.5. **Environmental Health Officer:** No objection.

3.3.6. **Housing:** No objection subject to conditions.

3.3.7. **Fire Authority:** No objection subject to conditions.

3.4. **Prescribed Bodies**

3.4.1. **Irish Water:** No objection subject to conditions. Wayleave required through site.

3.4.2. **Transport Infrastructure Ireland:** No objection.

3.5. **Third Party Observations**

3.5.1. Third party observations were made by the appellant at application and RFI stage. The issues raised were generally the same as the grounds of appeal.

4.0 **Planning History**

4.1. **Appeal Site**

4.1.1. I am not aware of any relevant planning history at the appeal site or in the immediate vicinity.

5.0 **Policy Context**

5.1. **Monaghan County Development Plan 2013-2019**

5.1.1. The site is governed by the policies and provisions contained in the Monaghan County Development Plan 2013-2019 and is zoned 'Existing Residential'. It is an objective of the Planning Authority to ensure that any proposals for development in existing residential areas are in keeping with the established built character and do not adversely impact upon the amenity of existing residential properties.

5.1.2. The following Strategic Objectives are noted:

- SSO1: Develop the town and its immediate environs as a hub in accordance with the policies of the National Spatial Strategy and the Regional Planning Guidelines, with the aim of achieving a population of 9,000 by 2020, by co-

operating with the region's gateway and adjoining development centres, and by servicing the county.

- SSO17: Promote sustainable compact development forms, including more comprehensive backlands development of the towns and villages, where appropriate and promote the efficient use of available public infrastructure and services.
- SSO25: Encourage appropriate development on infill sites, derelict sites, vacant plots, brownfield sites and backlands.

5.1.3. Urban Residential Development Objectives UDO1 – UDO8 and Housing Development Objectives HDP1 – HDP16 are also of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was made on behalf of John E. Coyle Ltd., Tony Coyle and Killian Coyle. The grounds of appeal can be summarised as follows:

- Appeal site is adjacent to appellants' business premises and dwelling houses.
- No objection to principle of the development.
- Drainage details are of major importance considering flooding issues in Monaghan Town in recent years. Stormwater from proposed development is directed into/through appellant's site into a historic culvert and open drain, the condition of which is unknown.
- Existing manholes on Plantation Road are located within appellant's landholding. A right of way and formal agreement would be required to gain access to this infrastructure.
- Appellants will not permit applicant to construct new manhole on their property.
- Existing pipework and road surfacing was undertaken by appellants to meet the requirements of their factory, office and dwellings. Drainage infrastructure, which is maintained by appellants, was not designed to accommodate

housing estate development, and tarred road width does not reflect legal ownership width.

- CCTV survey couldn't progress more than 1 metre of either end of the culvert entrance due to blockages. Culvert cannot be deemed to be fit for purpose, and creates a flood risk for appellants' property.
- Applicant refers to pre-development run-off rates. However, there is no run-off from the site to the appellants' site at present or in the past. Any flow of water will be an increase.
- Appellants do not agree that no additional stormwater load will be generated due to unclear details regarding attenuation.
- Planning condition requiring enlarged storage pipe area and manholes is requesting redesign and does not afford appellants any process to view or agree with the information.
- The required deposit sum of €2250 to ensure satisfactory completion of surface water infrastructure is completely inadequate.
- Lack of consultation with appellants regarding surface water infrastructure.
- If a blockage or issues relating to the condition of the culvert are uncovered there is no condition or provision in place to safeguard against the development being undertaken and no provision to rectify the situation.

6.2. Planning Authority Response

6.2.1. There is no response on file from the Planning Authority.

6.3. Observations

- None.

6.4. Applicants' Response to Appeal

6.4.1. The applicants' response to the appeal can be summarised as follows:

- Drawings clearly show that storm water will be discharged into a new 225mm diameter storm line placed along the public road, which connects to an

existing 225mm diameter local authority storm line traversing a public road via a new manhole (S20) located on a public roadway.

- The pipeline it is proposed to connect to is a Monaghan County Council asset, which takes water from the surrounding area and discharges through an existing stone arch culvert beneath Monaghan Bus Station towards Peter's Lake.
- There is no encroachment onto private property.
- Deed map submitted by appellants does not indicate position of existing pipelines or manholes.
- While appellants may have upgraded existing storm water provision this does translate into an assumed transfer of ownership from MCC to the appellants, as water was flowing through these pipes prior to commencement of upgrade works.
- Storm water drainage design is in accordance with Planning Authority's guidance document. Stormwater storage is provided in oversized pipe and manholes.
- There is no record of flooding on or close to the development site. Stormwater will be attenuated to greenfield run-off rates and therefore there will be no additional floor risk attributed to the proposed development.
- Comprehensive drainage survey was submitted to Planning Authority, indicating size, levels, materials, condition of manholes etc.
- Planning Authority attached too much importance to need to relocate entrance 6m to the north east resulting the omission of house No. 1. There is ample sight visibility, regarding regard to the low volume of traffic movements, the average speed encountered in the traffic count and DMURS standards which allow reduced visibility for lower design speeds.
- X-distance can be reduced from 2.4m to 2m due to low traffic volumes, allowing for a visibility splay to the south west of 45m x 2m and reducing the relocation of the entrance from 6m to 3m. Units 1 and 2 form a critical bookend to the apartment block.

7.0 Assessment

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

- Surface water management.
- Design and layout.
- Roads and traffic.
- Appropriate Assessment.

7.2. Surface Water Management

7.2.1. The grounds of appeal principally relate to surface water management proposals associated with the proposed development. The appellants contend that the applicant does not have permission to connect to a surface water sewer on their lands and that the proposed development will increase the risk of flooding, due to the increased flow in the sewer and the poor condition of an existing culvert.

7.2.2. I note from the drainage drawing No. C-02 submitted with the appeal that the applicant is proposing to lay a surface water sewer westward along Plantation Road, connecting to a new manhole on the public road, over the line of an existing sewer, which connects to the manhole on the appellant's property a short distance away. Reports on file from the Planning Authority indicate that they are satisfied that Plantation Road is a public roadway and that the existing sewer is public infrastructure. For the purposes of this planning assessment, I am therefore satisfied that the proposed development can be implemented without a requirement to access the manhole on the appellant's lands. I also note that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.

7.2.3. With regard to the risk of flooding, the proposed development features an area of oversized pipes to provide attenuation storage, permeable paving in car parking areas and a hydrobrake flow control device, which will limit surface water discharge to the greenfield run-off rate of 5 litres per second. While the appellants note that there is currently no discharge from the appeal site to the sewer in question, I note that the sewer currently collects surface water from the surrounding area and I do

not consider that the attenuated and controlled discharge from the proposed development will result in a significant impact to the capacity of the system. While the Planning Authority has not commented on the appeal, I note that the Water Services section and the District Municipal Engineer previously advised that they had no objection to the proposed development, subject to conditions. A series of detailed drainage-related conditions were subsequently included by the Planning Authority, including the cleansing and CCTV surveying of all drainage runs upon completion.

- 7.2.4. I consider that the applicant has adequately demonstrated that they can connect to the public surface water sewer, and that surface water arising from the appeal site will be appropriately attenuated and discharged at a sustainable rate. The Planning Authority has not indicated that there is any history of flooding in the area or any capacity issues with the existing public infrastructure. Subject to compliance with the Planning Authority's detailed requirements for surface water management, I therefore consider that the proposals for surface water management are acceptable.

7.3. Design and Layout

- 7.3.1. The proposed development has a density of c. 43 units per hectare, which I consider to be a reasonable density, in line with the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. With regard to public open space, c. 17.2% of the site indicated as green space which exceeds the 15% requirement of the Development Plan, although I note that portions of this green space are not usable for amenity purposes due to their size or slope.
- 7.3.2. I consider that the proposed site layout, with the public open space located to the rear of the houses is not ideal from the perspective of passive surveillance and providing a high level of amenity to future residents. However, the site layout seeks to address a number of significant constraints associated with the site, including its triangular shape, the significant fall from east to west and the presence of a public foul sewer and associated 6 metre wide wayleave which runs parallel to the rear (west) boundary of the site, from south west to north east. The applicant has sought to address these constraints by locating car parking, vehicular circulation areas and the public open space over the sewer and wayleave, with the housing at a higher level to the east, addressing the public road. The fall in ground level has been addressed through the use of split level gardens, with a rear passageway between

the gardens and the public open space, which will provide rear access to the terraced houses.

- 7.3.3. The passageway between the private open space and public open space areas is 1.25m wide. Having regard to the fact that the passageway is constrained by fencing on both sides, I consider that this is too narrow, and that it should be increased to 1.8m, which is the minimum recommended footpath width set out in DMURS. Similarly, the width of the footpath through the public open space should be increased to 1.8m.
- 7.3.4. The provision of private open space for the terraced houses is relatively low in most cases, and ranges from 36.4 sq m to 112.4 sq m, with eight of the ten houses having less than 50 sq m. I note, however, that the Monaghan County Development Plan 2013-2019 does not specify minimum requirements for private open space. There are no houses located to the rear of the proposed houses, and therefore the issue of separation distances and the associated length of rear gardens does not arise. Notwithstanding the size of the rear gardens, I note that the houses themselves are significantly above minimum floor area requirements and, having regard to the provision of communal open space immediately to the rear of, and accessible from, the private open space, I consider the proposed design and layout to be acceptable. However, as a result of the private open space provision being relatively low, I recommend that a condition be imposed restricting future use of the exempted development provisions under Class 1 and Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001-2015.
- 7.3.5. The L-shaped arrangement of the development, with the three storey apartment block at the corner, gives rise to potential overlooking from the first and second floor balconies into the rear gardens of the adjacent houses. The applicant proposes to address this issue by installing pleached lime trees and vertical brise soleil screens to restrict sightlines. Also, the rear elevation of the apartment block is located further forward than the rear elevation of the houses, which will prevent any direct views from the balconies into the adjacent houses. I consider that these design measures will adequately mitigate overlooking and loss of privacy concerns.
- 7.3.6. As noted by the Planning Authority, the proposed apartments are not fully compliant with the Sustainable Urban Housing: Design Standards for New Apartments

Guidelines for Planning Authorities 2015. All six apartments have a slight shortfall in storage provision, while three of the apartments fall marginally below the minimum floor area requirements for two bedroom units. Having regard to the fact that the proposed development is otherwise broadly acceptable, I concur with the Planning Authority that the small shortfall can be addressed by way of condition requiring revised floor plans for the apartments to be submitted to the planning authority for agreement, prior to commencement of construction. I recommend that the condition clarify that no increase in the overall footprint of the apartment block is hereby permitted.

7.4. Roads and Traffic

- 7.4.1. A Traffic and Transport Assessment was submitted with the application. Following a seven-day automatic traffic count, a PICADY simulation was undertaken utilising TRICS data for residential development. This found a maximum ratio of flow to capacity (RFC) in the PM peak, where in the assessment year of 2027 (year of development + 10), the RFC increased from 0.294 with no development to 0.310 with development. On this basis, I am satisfied that the proposed development will not have a significant impact on the performance of the N54/Plantation Road junction.
- 7.4.2. The proposed access point to the development is on Plantation Road, c. 40m from the junction with the N54. I note that while the appeal site is adjacent to a National Road, it is within Monaghan Town and within the 50km/hr speed zone. The provisions of the Design Manual for Urban Roads and Streets (DMURS) rather than the Design Manual for Roads and Bridges (DMRB) therefore applies to the site.
- 7.4.3. While the sight lines at the junction of Plantation Road and the N54 are deemed to be adequate, the Planning Authority did not consider the sight lines at the access point to the development to be acceptable, and by way of Condition 12, required the access to be moved a minimum of 6m to the north east to ensure that a visibility splay of 45m x 2.4m can be achieved to the south west without encroaching on third party lands. This results in the loss of one residential unit. The applicant contends that there is no need to relocate the entrance and that a visibility splay of 45m x 2.0m is acceptable, due to the low traffic volumes on the road and with reference to DMURS.

7.4.4. I note that Section 4.4.5 of DMURS states in respect of visibility splays that:

“...priority junctions in urban areas should be designed as Stop junctions, and a maximum X distance of 2.4 metres should be used. In difficult circumstances this may be reduced to 2.0 metres where vehicle speeds are slow and flows on the minor arm are low. However, the use of a 2.0 metre X distance may result in some vehicles slightly protruding beyond the major carriageway edge, and may result in drivers tending to nose out cautiously into traffic. Care should be taken to ensure that cyclists and drivers can observe this overhang from a reasonable distance and manoeuvre to avoid it without undue difficulty.”

7.4.5. While Plantation Road currently experiences relatively low traffic volumes, I note that there are a number of large commercial/industrial units on the road which do not currently appear to be in full operation. Should these units reopen, the volume of traffic, including HGV traffic, will increase significantly. Plantation Road also provides access to the Lidl supermarket. Given this potential for increased traffic and an increased numbers of HGVs, I consider that the more conservative visibility splay of 45m x 2.4m would be appropriate in this instance. I therefore recommend that if the Board is minded to grant permission, that a condition be included requiring the access to be moved to facilitate the visibility splay. While this will necessitate the removal of a residential unit, I recommend that unit number 2 be omitted, rather than unit number 1, since unit number 1 has an active south western elevation that responds to its corner position, and which provides a level of passive surveillance. Unit 1 can be relocated to the north east, in conjunction with the access point.

7.4.6. With regard to car parking, 29 spaces are proposed, which is compliant with the Development Plan requirements. However, the Planning Authority required the removal of unit 16 by way of condition, due to the distance of this unit from the main car parking area and the reduction in on-street parking at further information stage. I note that Unit 16 is located c. 34m from the car parking area, and is in very close proximity to the on-street parking. I consider that these two factors, allied with the slight reduction in car parking demand due to the recommended omission of Unit 2, will ensure that Unit 16 is adequately served by car parking. I therefore do not consider it necessary to omit Unit 16 on this basis, and consider that it will assist in

delivering a sustainable residential density in this location close to services and within reasonable proximity of the town centre.

7.5. **Appropriate Assessment**

- 7.5.1. The only Natura 2000 designated site within 15km of the appeal site is Slieve Beagh SPA (Site Code 004167), which is located c. 10km to the north west. The special conservation interest for this SPA is the Hen Harrier, *circus cyaneus*. Having regard to the nature and scale of the proposed development, which relates to the construction of a relatively small residential development in an established and serviced residential/commercial area close to Monaghan Town Centre and outside of any Natura 2000 sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

- 9.1. Having regard to the zoning objective for the site, the nature and scale of the proposed development, the pattern of development within the vicinity of the site, and having regard to the provisions of the Monaghan County Development Plan 2013 – 2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or other amenities of the area, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance 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 received by the planning authority on the 20th day of December 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 development shall be amended as follows:
 - (a) House number 2 shall be omitted, and house number 1 and the site entrance shall be relocated to the north east in order to ensure that visibility splays measured to the nearside road edge of at least 45 metres to the south west and 34 metres to the north east are provided from a point in the centre of the entrance, 2.4 metres from the road edge, at a height of between 1.05 metres to 2.0 metres above ground level to an object height of between 0.6 metres and 2.0 metres above ground level.
 - (b) The internal layout of the proposed apartments shall be revised to ensure full compliance with the minimum floorspace requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2015. No increase to the footprint of the apartment block is hereby permitted.
 - (c) All footpaths within the site shall have a minimum width of 1.8 metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

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

Reason: In the interests of clarity, orderly development and amenity.

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. The landscape scheme accompanying the planning application shall be implemented in full in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. The landscape scheme shall have regard to the planning authority's guidelines for Open Space Development and Taking in Charge. The developer's Landscape Architect shall certify by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development.

Reason: In the interests of amenity, ecology and sustainable development.

14. A plan containing details for the management of waste 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: In the interests of residential amenity and proper waste management.

15. 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.

16. 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.

17. 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

29th May 2017