



An
Bord
Pleanála

Inspector's Report PL04.248520

Development	Construction of 29 dwellings to replace 30 residential units previously permitted) and associated site works.
Location	Berry Hill, Kill Saint Anne South, Castlelyons, Co. Cork
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/6474
Applicant(s)	Dan O'Brien
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Castlelyons Development
Observer(s)	None
Date of Site Inspection	11 th August 2017
Inspector	Fiona Fair.

1.0 Site Location and Description

The appeal site at Berry Hill, Kill Saint Anne South, with a stated area of 1.88ha, is located within the settlement boundary of the village of Castlelyons / Bridesbridge, as designated in the Fermoy Electoral Area Local Area Plan (LAP) 2011.

The site is located towards the northern periphery of the village of Castlelyons, being some 200 metres from the centre of the village. Castlelyons is located 3 kilometres east of Rathcormac and 5 kilometres south east of Fermoy in north east County Cork, within a rural hinterland. The single main street is fronted by commercial, residential and industrial uses as well as sites of historical interest.

There are established public roads along the northern and western site boundaries, as the site directly adjoins the Spurree Cross Roads in Castlelyons, however, access to the appeal site is proposed via an existing estate entrance.

The appeal site relates to lands at the northern end of the unfinished estate of 'Berry Hill', which is a residential development of some 40 residential units within Castlelyons / Bridesbridge, originally granted planning permission on foot of Reg. Ref. 03/6072 / PL04.206120. 'Berry Hill' comprises of a mix of detached, semi-detached and terraced units with associated areas of public open space, boundary walls, ancillary roads and services. The vast majority of completed dwellings are occupied.

The site is also sited to the east of a Protected Structure i.e. RPS – Berry Hill (Barrymore Lodge) RPS:00340. The site is situated 2 Km to the north of the Bride River, which forms part of the Blackwater River SAC and lies approx. 140 m to the east of the Shanowennadrimina Stream, located on the opposite side of the local road to the west, which is hydraulically linked to the River Bride / Blackwater River SAC.

The road to the village is 5 metres wide and there is a footpath on the opposite side of the road.

2.0 Proposed Development

2.1. The proposal comprises permission to construct:

- 29 no. dwelling houses and all associated ancillary development works including access roads, parking, footpaths, landscaping and amenity areas.
 - House Type A1 – detached, 4 bedroom, 175 sq. m – 3 number
 - House Type A2 – detached, 4 bedroom, 175 sq. m – 2 number
 - House Type B1 – detached, 4 bedroom, 161 sq. m – 7 number
 - House Type B2 – detached, 4 bedroom, 161 sq. m – 3 number
 - House Type C1 – semidetached, 4 bedroom, 135 sq. m – 2 number
 - House Type D1 – semidetached, 3 bedroom, 115 sq. m – 6 number
 - House Type D2 – semidetached, 3 bedroom, 115 sq. m – 4 number
 - House Type E1 – semidetached, 3 bedroom, 90 sq. m – 2 number
- 14 semidetached and 15 detached
- Density of 15.43 units per hectare / 6.24 per Acre
- Access to the proposed development will be via the existing entrance and access serving Berry Hill (the proposed dwelling houses will replace 30 no. residential units previously permitted under PI. Reg. No. 03/6072 (An Bord Pleanala PL 04.206120) and extended under 12/5517).

The following reports were submitted with the application:

- A Planning Report and Design Statement, incl landscaping proposal
- Engineering Details
- Part V proposal
- Appropriate Assessment Screening Report (revised)

3.0 Planning Authority Decision

3.1. Decision

Following a request for Additional Information with respect to (i) Revised AA screening required to assess hydrological links between the site and the Bride River, which forms part of the Blackwater River SAC and implications of increasing waste water loading to the Castlelyons WWTP (ii) increased provision required for recreation and amenity facilities (iii) supplementary planting and detailed landscaping plan and (iv) more detailed public lighting proposal, planning permission was granted subject to 30 number conditions.

Conditions Include:

Condition 7. Surface water shall not be permitted to flow onto the public road from the site.

Condition 8. Prior to the commencement of development, the developer shall enter into a connection agreement with Irish Water.

Condition 9. The Site Development work shall be carried out in accordance with the 'Recommendations for Site Development Works for Housing Areas' issued by the DOELG in November 1998.

Condition 10. Foul and storm sewers shall be designed and constructed in accordance with Sewers for Adoption (7th Edition) published by WRc plc.

Condition 13. Construction drawings shall be issued when requested and agreed with the Estates Engineer before any work begins on site

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planners Report sets out that having regard to the location of the site within the settlement, the objectives of the Fermoy LAP 2011, to its siting within an unfinished estate and to the planning history associated with the site that the development is acceptable subject to satisfying all normal proper planning and development considerations.

Conservation Officer: No objection

Ecologist: Initial report requested further information, subsequent report, No Objection

Housing Officers Report: No Objection

Public Lighting Report: Initial report requested further information, subsequent report, No Objection subject to Condition

Area Engineer: No objection subject to condition

Estates Engineer: No objection subject to condition.

3.2.2. Other reports:

Irish Water: No Objection.

3.3. **Prescribed Bodies**

3.3.1. The file was referred by ABP to DAU Arts, Heritage, Regional, Rural and Gaeltacht Affairs, The Heritage Council and An Taisce. No response was forthcoming to date.

3.4. **Third Party Observations**

A number of objections / observations were submitted to the planning authority. Concerns raised are similar to those raised in the third party appeal summarised in detail below.

4.0 Planning History

- 4.1.1. **PL 04.206120 / Reg. Ref. 03/6072** Permission **Granted** for Construction of 70 houses, boundary walls, ancillary roads and services including a development stormwater settlement tank at Kill St. Anne South, Castlelyons.
- 4.1.2. **Reg. Ref. 09/5547** Permission **Granted** for completion of construction of 61no. dwellings and ancillary works and services granted under planning Ref.no. 03/6072 and An Bord Pleanala ref. no. Pl.04.206120. New permission to expire on 14/07/2012.
- 4.1.3. **Reg. Ref. 12/5517**, Permission **Granted** for Construction of 26 terraced, 22 semi-detached, 13 detached, 9 large detached with optional integral car garages, totalling 70 two-storey houses; boundary walls, ancillary roads and services, including a development stormwater settlement tank and attenuation soakaway with stormwater piped to the nearby Shanowennadrimina stream by wayleave, extension of duration to permission granted under An Bord Pleanala reference no. PL 04.206120 (planning Reg. Ref 03/6072) and initially extended under Reg. Ref. no. 09/5547. New permission to expire on 14/07/2017.

5.0 Policy Context

- 5.1.1. Sustainable Residential Development in Urban Areas, 2009
- 5.1.2. Quality Housing for Sustainable Communities, 2007
- 5.1.3. Development Plan

The site is governed by the policies and provisions contained in the Cork County Development Plan 2014. Castlelyons / Bridebridge is identified as a Key Village Settlement type and is governed by the Fermoy Municipal District Local Area Plan (LAP) 2011, second Edition Jan 2015

The following sections of the County Development Plan are of relevance:

Policy HOU 3-1 Sustainable Residential Communities

Policy HOU 3-3 Urban Design

Policy HOU 5-1 Reserved Land for Social Housing

Policy SC 5-2 Quality Provision of Public Open Space

5.1.4. Fermoy Municipal District Local Area Plan (LAP) 2011

The site is located within the development boundary for the village of Castlelyons / Bridebridge. There is no specific zoning associated with the site. Lands to the west and south are designated as a Special Policy Area in recognition of its designation as a scenic landscape and its location within an ACA. It is an objective to protect and retain the unique demesne landscape associated with this area.

The site is not located on land which is identified as being susceptible to flooding (Zone A or Zone B) in the Fermoy LAP 2011.

5.1.5. The following sections of the Plan, of relevance, are attached as appendix to this report:

Section 4 Castlelyons / Bridesbridge Vision and Context

Section 4.5 Objectives

DB-01 (a) 'Within the development boundary of Castlelyons/Bridesbridge it is an objective to encourage the development of up to 40 houses in the period 2010 – 2020'.

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised within the third party appeal from Castlelyons Development have been collated under the following headings:

Flooding

- Long history of serious flooding in the area
- Since Berry Hill has been built flooding has been exacerbated in the village.
- Christmas 2016 serious flooding
- Public health hazard concern, due to possibility of flood waters entering the sewer system.
- Consequence of sending storm water from Berry Hill development to the Shanowenadriminia river was to increase flooding in the village
- Berry Hill is upstream from Castlelyons Village
- Since Berry Hill was built none of the housing estates granted planning permission in Castlelyons were allowed send storm water to the river.
- The Ard na Ri estate uses a soakway system
- PL218928 / 05/8130 was refused by ABP due to possibility / risk of serious flooding.
- In developments granted soakways were used.
- The Draft Fermoy Area LAP (2017) identifies parts of Castlelyons / Bridesbridge as being at risk of flooding.
- The Senior planner stated in his report that ‘there was another issue noted for PH in 2016 relating to flooding / increase stormwater.’
- The treatment plant is located between the pitch and putt course and picnic park which both flood during heavy rain.
- Existing storm water provisions for the Berry Hill estate have proven to be a disaster for the village, which is downstream from the pipe outlet
- The plans for stormwater will increase and exacerbate the existing flooding in the village.

Wastewater Treatment

- The Senior planners report states that the treatment plant is non-compliant with its discharge licence.

Amenity Area

- Proposed amenity area is inadequate.
- The original plans for the Ard na Ri estate included a playground and recycling area, such facilities should be provided at a minimum to serve future residents.

Sustainable Development

- The guidelines in the Sustainable Residential Development in Urban Areas (2009) recommend limiting the scale of development in small towns and villages to not more than an increase of 10 – 15 % in pop in any one application.
- The last LAP placed the population of Castlelyons at 411 residents.
- This application would exceed the recommendations.
- Housing density is too high.
- **The Appeal is accompanied with:**
 - Photographs of flooding at pitch and putt adjacent to Castlelyons waste water treatment plant.
 - Excerpt from Proposed Amendment to Draft Plan for Castlelyons
 - Acknowledgement of receipt of submission re planning File Ref. 16/06474

6.2. Applicant Response

- 6.2.1. A response was submitted by McCutcheon Halley on behalf of the applicant. it is summarised as follows:

Unfinished Estate

- Proposal seeks to complete an unfinished estate which according to the Fermoy LAP 2011 is paramount in terms of achieving the Councils vision for the key village of Castlelyons
- Complies with the LAP

- Fully supported by the governments guidance document for 'Managing and resolving Unfinished Housing Developments', Aug 2011.

Planning History

- The proposal benefits from an existing permission Reg. Ref. No. 03/6072 and ABP Ref. No. PL04.206120 consisting of 26 terraced, 22 semi-detached, 13 detached and 9 large detached residential units.
- The residential scheme permitted by reg. ref. no 03/6072 comprises 70 no dwellings with 40 number dwelling located on the southern portion of the overall site, completed to date.
- A significant portion of the infrastructure has been completed under 03/6072
- An extension of duration of permission was granted under Planning Ref. ref. no 09/5547 and 12/5517, extending the expiry date to the 14th July 2017.

Flooding in Castlelyons

- The claims of increased and exacerbated flooding have no evidential basis.
- The sewer network is appropriately sized to serve both the existing and proposed development.
- The suitability of local drainage and sewerage system has been assessed by the p.a. and they have no objection to grant of permission subject to conditions.
- The surface water run off at the site will be collected by the existing surface water sewer network (as constructed under the original permission)
- The sewer network discharges to a silt trap prior to discharging to an existing percolation area constructed under the green open space at the entrance to the development.
- An overflow pipe has been constructed from the percolation area that discharges into the nearby Shanowennadrimina Stream. However, operation phase surface water discharge shall be managed and controlled prior to discharge into the environment as summarised in the Engineering Report.

Impact on the Castlelyons Wastewater Treatment plant

- A detailed assessment of the WWTP has been included within the AA Screening Report
- Acknowledgement that the Castelyons WWTP is currently non-compliant regarding the emissions limits set out in its discharge licence, according to Irish Water 2017.
- IW have concluded that ambient monitoring of the receiving waters downstream of the Shanowennadrimina Stream WWTP discharge point (and upstream of its confluence with the River Bride and Associated SAC) suggest that discharge from the WWTP does not have an observable negative impact on Water Framework Directive Status, it is unknown if a deterioration in water quality is caused by the WWTP discharge (IW 2017)
- The Castlelyons WWTP is significantly under capacity regarding hydraulic organic loadings.
- The additional PE proposed by the application of a further 29 units will be well within the design capacity of the WWTP and will not lead to a dis-improvement of the existing treatment process of the WWTP but should help to improve the situation by increasing hydraulic and organic loadings and in turn reduce existing excessive retention times for wastewater within the WWTP process and the stripping of alkalinity.
- It is argued that the proposed 29 units will not lead to the dis-improvement of the process. The proposal should help the situation by increasing hydraulic loadings and thereby reducing retention times for waste water within the process and the stripping of alkalinity.
- The Senior Planners report concludes that the foregoing assertion has been reviewed by the Waste Water Operations Section and is confirmed to be a reasonable conclusion.
- The proposed development is not a new planning application.
- The service infrastructure has been constructed under the original permission and is appropriately sized to serve both the existing and the proposed development.

- The development will complete an unfinished estate and will not significantly increase the growth of the town.

Recreation and Amenity Calculation

- A local play area and a neighbourhood play area are proposed within the open space, thereby satisfying the requirement for 4 points as per the Council policy on Recreation and Amenity Provision.
- The development has been designed to act as a natural extension to the existing Berry Hill estate with the promotion of shared open spaces.
- The open space provision for the overall Berry Hill Estate will be 17% which is above the minimum requirement as per the Development Plan requirements.
- POS is of high quality and centrally located

Sustainable Development

- The proposed development is located within the development boundary of the village, and is one of the unfinished estates in which the LAP refers, and its development is therefore key in terms of achieving the Council's vision for the key village of Castlelyons.
- The LAP states that over the lifetime of this plan, priority will be given to bringing the unfinished residential developments within the village to an acceptable level of completion. Objective DB-01 of the LAP refers.
- The number of units proposed is within the growth figure of 40 set out in the LAP Objective.

6.3. Planning Authority Response

- No response forthcoming.

7.0 Assessment

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

- **Principle of Development on the Site**
- **Flooding within Castlelyons**
- **Castlelyons Wastewater Treatment Plant**
- **Recreation and Amenity**
- **Appropriate Assessment**

7.2. Principle of the Development on the Site

- 7.2.1. The subject application seeks permission for the development of 29 number residential units, replacing 30 number residential units which were previously permitted on the appeal site.
- 7.2.2. Permission was granted for the construction of 70 residential units under Reg. Ref. 03/6072 / PL04.206120 and this permission was subsequently extended under Reg. Ref. 09/5547 and Reg. Ref. 12/5517 and was live up to 14/07/2017. Forty of the permitted 70 residential units, within the existing housing estate, 'Berry Hill', have been constructed to date, comprising of a mix of detached, semi-detached and terraced units with associated areas of public open space, boundary walls, ancillary roads and services.
- 7.2.3. The layout proposed is broadly similar to that previously permitted under the governing permission (Reg. Ref. 03/6072 / PL04.206120) and of the 29 number dwellings proposed 15 number dwellings are detached and 14 number are semi-detached, see section 2.0 of this report above for description of the proposed development. The proposal has a density of 15.43 units per hectare / 6.24 per Acre and access to the proposed development would be via the existing entrance and access serving Berry Hill.
- 7.2.4. Having regard to the subject appeal site location within the settlement boundary of the village of Castlelyons / Bridesbridge, as defined within the Fermoy LAP 2011, to its siting within the unfinished estate of 'Berry Hill', and to the planning history of the site, which does have the benefit of an extended governing permission for residential

development, originally granted planning permission on foot of Reg. Ref. 03/6072 / PL04.206120, it is considered that the proposed development is acceptable in principle, subject to compliance with development management criteria set out in the Fermoy LAP 2011 and the Cork County Development Plan 2014.

- 7.2.5. Regard is specifically had to DB-01 (a) which states that 'Within the development boundary of Castlelyons/Bridesbridge it is an objective to encourage the development of up to 40 houses in the period 2010 - 2020.
- 7.2.6. The appellants have raised the concern that the housing density is too high and that the guidelines on Sustainable Residential Development in Urban Areas (2009) recommend limiting the scale of development in small towns and villages to not more than an increase of 10 – 15 % in pop in any one application.
- 7.2.7. The last LAP placed the population of Castlelyons at 411 residents. Section 4.4.1 of the 2011, Fermoy LAP states 'Over the lifetime of this plan, priority will be given to bringing the unfinished residential developments within the village to an acceptable level of completion. Thereafter minimal growth is recommended to ensure future development is in line with the grain and scale of the existing settlement pattern and to ensure the overall scale of population growth is rebalanced in favour of the towns. Sites which are closer to the core of the village, including infill and brownfield sites should be developed first.'
- 7.2.8. Regard is had to the planning history of the site, to section 4.4.4 of the LAP and that a special policy area has been identified at the northern end of the village, closer to the core of the village than the subject appeal site, covering the area from Spureen Cross Roads to Kill-Saint Anne Cross Roads and southwards along Church Lane to the Village centre. The new dwellings will not adversely impact on the integrity of the A.C.A. nor on the heritage buildings in the locality. I note and concur with the Inspectors report in the case of the original parent permission (PL.04.206120) which stated that: 'In this case the provision of 70 houses, on zoned land, within the village development boundary and within a grouping of towns/villages where it is the objective of the Development Plan to promote job expansion, housing and self-sufficiency, is not considered to be unreasonable. A development of this size will have a major impact on the future of the village, but this must also be assessed in the context of progress rather than a total resistance to change which will inevitably

result in the decline of the village and the services it provides, and place more pressure on other areas’.

- 7.2.9. I am satisfied that the layout of the estate, having regard to the design of the dwellings as submitted and those constructed in ‘Berry Hill’ to date will ensure that the entrance to the village will retain a high standard of visual appearance. The layout proposed is similar to that previously permitted and the development provides for a variety of housing types and although the density is considered to be low in respect of what is now commonly acceptable, this is considered appropriate having regard to the mix of dwellings already in place in ‘Berry Hill’, where there is a majority of terraced housing and the site’s relationship to the village of Castlelyons.
- 7.2.10. Overall I agree with the planning authority that the proposal which seeks to complete an unfinished estate is in line with the vision and objectives of the LAP and national guidance for ‘Managing and resolving Unfinished Housing Developments’, Aug 2011.

7.3. Flooding within Castlelyons

- 7.3.1. Third party concern has been raised with respect to flooding in the village of Castlelyons. It is submitted that the plans for stormwater will increase and exacerbate the existing flooding in the village, which is downstream from the overflow pipe outlet.
- 7.3.2. The appeal site is not sited on land that is identified as being susceptible to flooding in the Fermoy LAP 2011 or the OPW’s National Preliminary Flood Risk Assessment (PFRA), March 2012. I note that the lands are also not identified as having flooded in the OPW National Flood Hazard Mapping, however, from an assessment of the OPW Flood Maps it is evident that two sites are identified as having flooded to the south of the subject appeal lands, one of the flood events is within the village. In relation to this flooding I note that Minutes of an OPW Flood meeting attached to the OPW website states:
- ‘Land flooding at Kill-Saint-Annes near Castlelyons from river during periods of high flow - recurring Flood ID 5099’
 - ‘Road and land flooding from river Bride and nearby stream at Bridebridge during periods of high flow - recurring Flood ID 5100’.

7.3.3. The surface water run off at the site is proposed to be collected by the existing surface water sewer network (as constructed under the original permission). The sewer network discharges to a silt trap prior to discharging to an existing percolation area constructed under the green open space at the entrance to the development. An overflow pipe has been constructed from the percolation area that discharges into the nearby Shanowennadrimina Stream. However, operation phase surface water discharge shall be managed and controlled prior to discharge into the environment as summarised in the Engineering Report.

7.3.4. It is proposed that:

- All storm water will be directed through a hydrocarbon interceptor to be constructed between the silt trap and the percolation area.
- The storm drainage network as constructed is appropriately sized to serve both the existing and new developments as proposed.
- A cleaning and maintenance schedule will be implemented for the proposed storm drainage system, silt trap and bypass separator during the operation phase.
- The proposed storm network will be inspected following construction to ensure that no cross connection between the proposed foul and storm network exists.
- Water sampling of the receiving waters upstream and downstream of the proposed outfall will be undertaken before construction commences and for a period of 6 months following the completion of the development to ensure that the proposed water quality controls (both of the construction and operational phases) are appropriate and operating satisfactorily.
- Bunding of domestic heating oil tanks to prevent possible spillage runoff.

7.3.5. I note the case referred to by the third party of a 2007 refusal of planning permission for 45 number dwelling houses, under PL 04.218 928 / Reg. Ref. 05/8130, by reason of the lack of evidence of sufficient capacity in the Shanowennadrimina Stream, notwithstanding the use of an attenuated stormwater system, and that the development would give rise to a serious risk of flooding. However, I consider that

each site must be assessed on a case by case basis. I highlight that that the proposed development is not a new planning application and surface and foul drainage infrastructure is in-situ at the 'Berry Hill' development, designed to cater for 70 number dwellings.

- 7.3.6. The proposed development is acceptable to the Planning Authority and I consider no substantiated evidence has been submitted which suggests that the existing 'Berry Hill' estate has resulted in an increase to the Flooding of Castlelyons.
- 7.3.7. Given the location of PL 04.218 928 / Reg. Ref. 05/8130, is located some distance south from the appeal site and to the south of the village central core and also to the planning history of the subject appeal site, public infrastructure in-situ and to the measures / controls to deal with surface water runoff, which I consider are robust, I am of the opinion that it would be unreasonable to refuse planning permission on grounds of exacerbation of flooding.

7.4. Castlelyons Wastewater Treatment Plant

- 7.4.1. Wastewater will be treated at Castlelyons WWTP. The third party appellant is concerned that the treatment plant is non-compliant with its discharge licence.
- 7.4.2. A detailed assessment of the WWTP has been included within the AA Screening Report. It is acknowledged that the Castlelyons WWTP is currently non-compliant regarding the emissions limits set out in its discharge licence, according to Irish Water (IW) 2017. However, IW have concluded that ambient monitoring of the receiving waters downstream of the Shanowennadrimina Stream WWTP discharge point (and upstream of its confluence with the River Bride and Associated SAC) suggest that discharge from the WWTP does not have an observable negative impact on Water Framework Directive Status, it is unknown if a deterioration in water quality is caused by the WWTP discharge (IW 2017). The proposal for the completion of the 'Berry Hill Estate', where the original planning permission has lapsed (70 houses were originally approved but only 40 were constructed) is acceptable to IW.

- 7.4.3. The AA screening document submitted notes that the Castlelyons WWTP is significantly under capacity regarding hydraulic organic loadings. That this has resulted in on-going treatment issues related to excessive retention times for waste water and ‘...the stripping of alkalinity from the process wastewater, which in turn has affected pH and subsequent need to cease Ferric Sulphate Dosing to allow phosphorous removal. There was another issue noted for pH in 2016 related to flooding / increased storm water’.
- 7.4.4. It is accepted by IW and the planning authority that the additional PE proposed by the application of a further 29 units will be well within the design capacity of the WWTP. The proposed development is not a new planning application. The development will complete an unfinished estate and will not significantly increase the growth of the town. The waste water operation section of the planning authority are of the opinion that it is reasonable to conclude that the proposed development if permitted would not lead to a dis-improvement of the existing treatment process of the WWTP but should help to improve the situation by increasing hydraulic and organic loadings and in turn reduce existing excessive retention times for wastewater within the WWTP process and the stripping of alkalinity.
- 7.4.5. Given the foregoing I am of the opinion that it would be unreasonable to refuse planning permission on the basis that the development would adversely affect the WWTP and sewer system in the area or be prejudicial to public health.

7.5. Recreation and Amenity

- 7.5.1. The principle of residential development on this site has been established under Reg. Ref. 03/6072 / PL04.206120 and this permission was subsequently extended under Reg. Ref. 09/5547 and Reg. Ref. 12/5517. The layout proposed in the appeal case largely replicates that previously permitted under the governing permission. In terms of public open space provision the proposed layout is broadly similar to the layout of the parent permission, with one number centrally located area of public open space together with an incidental area of open space to the west of the cul de sac serving dwellings one - five.

- 7.5.2. The proposal includes a local play area and a neighbourhood play area, in the centrally located area of public open space, overlooked by dwellings eight – twenty-five. The local play area and the neighbourhood play area satisfy the requirement for four number points as per the Council policy on Recreation and Amenity Provision. It is submitted that public open space will be in the order of 17% upon completion of the overall scheme, which is above the minimum requirement as per the Development Plan requirements.
- 7.5.3. I am of the opinion that the layout, quality and quantum of public open space is acceptable with respect to recreation and amenity.

7.6. **Appropriate Assessment**

- 7.6.1. The subject appeal site is not located within or directly adjoining a Natura Site.
- 7.6.2. The closest European Sites are the River Blackwater SAC (site no. 002170) and Blackwater Callows SPA (site no. 004094). The conservation objectives and associated qualifying interests are summarised in Table 2.1 of the revised screening report by Kelleher Ecology Services, submitted by way of additional information to the p.a. on the 27th March 2017.
- 7.6.3. As the Blackwater Callows SPA is not downstream of the surface water discharge point, no hydrological link via surface water is relevant in this case.
- 7.6.4. There is potential impact – receptor pathway via surface water links between the development site and the Blackwater River SAC. Surface water run off associated with the site will ultimately discharge to the river Bride and associated SAC via the Shanowennadrimina Stream
- 7.6.5. Wastewater will be treated at Castlelyons WWTP. It discharges treated foul effluent into the Shanowennadrimina Stream and flows for 2Km before discharging into the Bride and associated Blackwater SAC.
- 7.6.6. IW, the area engineer, the waste water operations section of the p.a. and the estates engineer have no objection to the proposed development.
- 7.6.7. The Ecologist report, on file, dated 28/11/2016, prior to further information being requested, considers that outstanding issues with respect to the possible risk of pollution during construction, possible effects on hydrological processes / risk of

pollution associated with post construction surface water management and implications of increasing waste water loading to the Castelyons WWTP. Subsequent to a revised AA Screening Statement being submitted the Senior Planners report dated 21/04/2017 concludes that having liaised with the Heritage Unit that the overall conclusion of the Statement that the development will not result in significant effects on the Natura sites is accepted.

- 7.6.8. Overall I am satisfied that the risk of water pollution associated with the construction phase can be minimised, subject to a CEMP, and that potential for the construction works and operational phase to give rise to significant negative effects on the Blackwater River Special Area of Conservation can be ruled out.
- 7.6.9. Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites and the infrastructure services in place. It is also not considered that the 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

I recommend that planning permission should be Granted subject to the following conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the location of the appeal site within the settlement boundary of the village of Castlelyons / Bridesbridge, planning history associated with the appeal site and existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of sustainable growth of the Village of Castlelyons, surface and foul drainage and recreation and amenity. 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 submitted on the 27th March 2017 and the 10th April 2017, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass. The use of film is not permitted.

Reason: In the interest of the proper planning and sustainable development 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 landscaping scheme shown on Landscape Masterplan Drg no. 16074/P/005, as submitted to the planning authority on the 6th October 2016 as amended by the

Landscaping Details of Boundaries submitted on the 27th March 2017 shall be carried out within the first planting season following substantial completion of external construction works

- (i) The area of public open space shall be reserved for such use.
- (ii) The area shall be contoured, soiled, seeded and landscaped in accordance with the landscaping scheme submitted.
- (iii) 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 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.
- (iv) The north-west site boundary shall be reinstated and planted to the satisfaction of the Planning Authority generally in accordance with the details submitted to the Planning Authority on March 27th 2017.
- (v) The stone in the existing wall along the south-west boundary shall be incorporated into the new wall along this boundary.

Reason: In order to ensure the satisfactory development of the public open space area and its continued use for this purpose.

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

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

7. 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.

8. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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 and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity

9. 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 for each house 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.

10. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The agreed lighting system shall be implemented and operational, before the proposed development is made available for occupation.

Reason: In the interests of amenity and public safety.

11. 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.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

13. 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.

Fiona Fair
Planning Inspector
22/08/2017