



An  
Bord  
Pleanála

## Inspector's Report ABP-300131-17

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<b>Development</b>	Construct 29 no. dwelling houses and carry out associated site works to be accessed through the existing Glen Cora Development (Planning Ref No. 03-2561). Two previous planning permissions issued in relation to the lands to which this application relates (P06-3021 and P06-3030).
<b>Location</b>	Newmarket-on-Fergus, Co. Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	17238
<b>Applicant</b>	Datcha Construction Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	First / Third Party
<b>Appellant(s)</b>	Shane O'Leary Carnakilla Residents Association
<b>Date of Site Inspection</b>	22 <sup>nd</sup> February 2018
<b>Inspector</b>	Dolores McCague

## **1.0 Site Location and Description**

- 1.1. The site is located at Glen Cora, Newmarket on Fergus, County Clare. Glen Cora is an existing recently developed scheme of two storey semi-detached housing, sitting at the edge of the settlement of Newmarket on Fergus. The subject site, which adjoins the existing Glen Cora housing, comprises rough grazing which includes filled ground, being land remaining from the incompleteness of the housing development. The site is largely to the east of the existing housing. Three access roads within the existing scheme, which run east west, finish at the western edge of the site. The site abuts the gables of houses at the eastern end of the existing development.
- 1.2. It is clear from contour maps accompanying the application, which may be based on maps prepared for the original application, that former steep gradients in the middle part of the site have been significantly eased by filling.
- 1.3. The site is bounded to the east by agricultural land and there are single houses further east which front a local road.
- 1.4. The houses in Glen Cora appear to be fully occupied, and on the date of inspection there were toys on the roads and green areas, suggesting use of these areas by young children.

## **2.0 Proposed Development**

- 2.1. The proposed development is the construction of 29 dwellinghouses and associated siteworks to be accessed through the existing Glen Cora Development (planning ref no 03-2561). During the course of the application the development has been amended, the amendments include an increase in the number of dwellings to be constructed to 31 and the use of a temporary construction entrance from the local road to the east, rather than through the estate.
- 2.2. The houses to be erected are two storey; most are semi-detached but there are 5 detached houses. The houses range in size from 115.6 sq m for the detached house, type 'D' and semi detached house, type 'B', 118.8 for sq m for semi detached house, type 'A', and 123.2 sq m for semi detached house, type 'C'.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.2. The planning authority decided to grant planning permission subject to 24 conditions including:

2 amendment of the proposed development

a) the proposed new access road running to the south of dwelling no 77 and associated T junction opposite house numbers 72 and 73 shall be omitted except for the provision of a footpath and replaced with a hammer head turning area.

b) The main site access running north-south shall terminate at a point to the north of house no 81 and a point to the north of unit no 85 and a hammerhead turning area provided at these locations.

c) The access road, except for pedestrian access between proposed units no 85 and 86 and between existing units no 31 and proposed unit no 81, shall be discontinued and the area shall be incorporated into the public open space area.

d) The proposed roundabout at the existing junction of Gleann Cora with the R470 shall be omitted.

Prior to the commencement of development a revised site layout plan and drawings providing for the above shall be submitted to the planning authority for agreement and approval. The design of any turning circles or hammerheads shall be in accordance with the recommendations for site development works for housing area (DoEHLG 1998).

3 a) access to the site during the construction period shall be from the L7160 local road via the L3154 and the R470 roads in accordance with the details as received by the planning authority on the 30<sup>th</sup> June 2017 and the 14<sup>th</sup> September 2017. Use of the L3154 road to north of the proposed construction access is not permitted.

b) prior to the commencement of development the applicant shall submit a traffic management plan for the construction phase for the agreement and approval of the planning authority. This shall include details of the road network to be used by construction traffic and arrangements for the protection of any roadside boundaries,

drains or culverts. Any remedial or improvement works required to roads, drains and culverts shall be at the developer's expense and shall not impact on existing land or road drainage. Details of the timing and routing of construction traffic to and from the construction site and associated directional and safety signage, to include proposals to facilitate the delivery of abnormal loads, shall also be included.

Upon completion of the development the temporary construction access road shall be removed and the roadside boundary reinstated.

Reason: In the interests of traffic safety and residential amenity it is considered appropriate to amend the layout of the development in order to restrict circuitous routes within the housing development.

4) The following shall apply with regard to the proposed boundary treatment

a) the hedgerow and trees along the boundaries to the north, east and south of units 86-92 shall be retained and reinforced with a stock proof fence. A block wall shall be provided inside the line of the existing trees at this location not exceeding 2m in height.

b) The mature trees along the eastern boundary of the site shall be retained. The use of precast post and panel fencing along the boundary is not permitted. The retaining wall shall be faced in natural local stone or natural stone cladding.

c) No walls, fences or other boundary treatment shall be constructed around the front gardens of the proposed dwellings and front gardens shall be kept as open plan.

d) Any boundary walls which address public areas within the development shall be faced with natural stone.

e) Rear boundary treatments between individual dwelling units shall be of concrete block wall not exceeding 2m in height.

Prior to the commencement of development, full details of the proposed boundary treatment, including details of the proposed retaining wall shall be submitted to the Planning Authority for agreement and approval. This shall include for proposals for the protection of the existing mature trees along the eastern boundary of the site and their incorporation into the scheme.

Reason: In the interests of visual and residential amenity.

- 5) Construction management plan.
- 6) No development until Part V compliance.
- 7) Finished floor levels in accordance with site layout received 14<sup>th</sup> September.
- 21) Development contribution of €172,019.
- 22) Bond of €155,000
- 23) Bond of €25,000 in respect of road reinstatement.
- 24) Special of €40,000 in respect of roads and footpaths in Newmarket on Fergus and traffic calming measures within the existing estate.

### 3.3. **Planning Authority Reports**

### 3.4. **Planning Reports**

3.4.1. There are three planning reports on file.

3.4.2. The first dated the 26<sup>th</sup> May 2017, is accompanied by an AA screening report and recommends that a further information request be issued on 8 points. The report includes:

The site is zoned LDR4, low density residential, defined as:

low density pattern of residential development, primarily detached family dwellings. The underlying priority shall be to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design. Proposed developments must also be appropriate in scale and nature to the areas in which they are located.

#### CDP4.4 Development Plan Objective: Social and Affordable Housing

It is an objective of Clare County Council:

a In accordance with the requirements of Section 94(4)(c) of the Planning and Development Act, 2000 (as amended), to reserve 10% of land zoned for residential use, or for a mixture of residential and other uses, including 'low density residential' for the purpose of meeting social and affordable housing need arising within the County;

- b To acquire land/properties for social and affordable housing provision in advance of immediate requirements in order to be in a position to respond to housing supply and demand opportunities;
- c To support and encourage the use of existing housing stock and infill sites, in close proximity to services in towns and villages, for social and affordable housing provision;
- d To ensure that new social and affordable housing developments are strongly integrated into the structure of existing settlements and are not isolated from services or segregated from the surrounding community;
- e To ensure that new social and affordable housing developments are designed and constructed on the principles of universal design and life-long adaptability;
- f To support the work of voluntary and cooperative housing associations in County Clare;
- g To ensure that there is a balanced supply of private, social and affordable housing such that no settlement in the County experiences an over-concentration of any one type of accommodation.

#### CDP4.7 Development Plan Objective: Housing Mix

It is an objective of the Development Plan:

- a To secure the development of a mix of house types and sizes throughout the County to meet the needs of the likely future population in accordance with the guidance set out in the Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas;
- b To require new housing developments to incorporate a variety of plot sizes to meet the current and future needs of residents;
- c To require the submission of a Statement of Housing Mix with all applications for multiunit residential development in order to facilitate the proper evaluation of the proposal relative to this objective.

#### CDP4.15 Development Plan Objective: Green Infrastructure in Residential Developments

It is an objective of the Development Plan:

To ensure that green areas associated with new residential developments enrich the quality of life of local residents and provide ecologically rich areas that enhance biodiversity and contribute to the green infrastructure network in the County.

#### CDP18.8 - Development Plan Objective: Storm Water Management

It is an objective of the Development Plan:

- a To ensure that adequate storm water infrastructure is in place to accommodate the planned level of growth in the Plan area;
- b To require all new developments to provide a separate foul and surface water drainage system;
- c To ensure the implementation of Sustainable Urban Drainage Systems (SuDS) and in particular, to ensure that all storm water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system;
- d To request the submission of details regarding Surface Water Attenuation Systems for multiunit development applications in the Plan area. Development will only be permitted in areas where sufficient surface water capacity exists.

#### CDP14.2 Development Plan Objective: European Sites

It is an objective of the Development Plan:

- a To afford the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters;
- b To require all planning applications for development that may have (or cannot rule out) likely significant effects on European sites in view of the site's Conservation Objectives, either in isolation or in combination with other plans or projects, to submit a Natura Impact Statement in accordance with the requirements of the EU Habitats Directive and the Planning and Development Act, 2000 (as amended);
- c To recognise and afford appropriate protection to any new or modified SPAs or SACs that are identified during the lifetime of this Plan, having regard to the fact that proposals for development outside of a European site may also have an indirect effect

The planning history is set out. There was no pre-planning meeting.

The roads design and environmental officer's reports and submissions are considered.

The site is a natural extension of the existing estate and permission was granted in 2006 for housing in this location.

The report concludes that additional information is required:

- 1) Site access – the planning authority has concerns regarding the potential disturbance and impact on the amenities of existing properties within the Glenn Cora estate by construction traffic. Applicant is requested to investigate the provision of an alternative site access during the construction perhaps via the local road to the east and submit details.
- 2) Concerns on grounds of residential amenity:
  - a) With regard to unit 79 the siting and proximity to an existing house in Glenn Cora No 31. Submit alternative proposals or omit.
  - b) Units 77, 81 and 82 - revised proposals for the gables facing internal roadway to incorporate dual aspect.
  - c) Clarify details of boundary treatment of units 77, 81, and 82 which face the roadway. Natural stone walls at these locations may be appropriate.
  - d) Submit a cross section, and clarify site levels, between proposed units 77 and 78 relative to the existing unit 41. Clarify finished rear garden levels of units 77 and 78.
- 3) Vacant plot between 61 existing and 64, clarify.
- 4) Re. road layout:
  - a) Footpath widths should be increased to a minimum of 1.8m in accordance with the 'Design Manual for Urban Roads and Streets'. The carriageway width should be 5-5.5m.
  - b) Dropped kerbs should be provided at all junction bell mouths with buff coloured tactile paving provided.
  - c) A turning bay should be provided at cul-de-sac outside dwelling A/92.



- d) Raised tables are required at the T junction in front of house 74 and in front of units 81 and 82.
- e) Perpendicular parking spaces should be limited to six spaces in line with section 4.4.9 of the Design Manual for Urban Roads and Streets.
- f) Please submit proposals for street lighting. Any lighting should use white sources such as metal halide, white SON. Cosmopolis and LEDs.
- 5) a) It is noted from the contiguous section B-B as submitted, that infilling of the site may be required, in particular near units 71-74; clarify extent.
- b) Submit cross section of the site east west, at the northern, southern and central parts.
- 6) a) Clarify height of, and submit a drawing of, the proposed boundary treatment between units 86-92 and the existing lands to the north and east. It is noted that there are a number to trees along this boundary, which do not appear to be indicated on the submitted plans. Boundary treatment should retain these trees where possible.
- b) Submit details height/finishes of existing and proposed wall along the eastern boundary.
- 7) Obtain confirmation of water connection from Irish Water.
- 8) Historical flooding events are noted. Submit comments and clarify the levels of the eastern boundary relative to adjoining lands.

### **3.5. Other Technical Reports**

#### **3.5.1. Roads Design. 5<sup>th</sup> May 2017:**

- Footpath width to be a minimum of 1.8m per 4.3.1 DMURS. Footpath widths should be a priority for designers and where appropriate accommodated by narrowing vehicular carriageways. Standard carriage width 5-5.5m.
- Dropped kerbs to be provided at all junction bell mouths to ensure good access for mobility impaired pedestrians and those with pushchairs or prams per 4.8 of NRA Pedestrian Crossing Specification and Guidance, April 2011. Buff coloured tactile paving should be provided for visually impaired pedestrians.

- Turning bay to be provided at cul-de-sac outside dwelling A92.
- It would be preferable if the road in front of houses 82-85 is not constructed.  
Request revised layout.
- Raised tables are required at the T junction in front of existing house 12 and proposed house 74 as speed reduction measures.
- The Design Manual for Urban Roads and Streets 4.4.9 recommends that the number of perpendicular parking spaces should be limited to six in order to reduce the visual impact of parking. The CDP recommends 1 visitor space per 3 units.
- White street lighting 4.2.2 DMURS
- Speed limit 10-30kph DMURS table 4.1. Signs and road markings should comply with the Traffic Signs Manual.
- Landscaping should not impede sightline.
- Contribution towards traffic calming/traffic management.

#### 3.5.2. Environmental Assessment Officer, 21 April 2017

There will be no risk of adverse effects to the environment and in particular to any protected bat species given the importance of the surrounding area to the Lesser Horseshoe bat species. Given the age profile of the mature trees along the eastern boundary of the site, in particular, the following should be considered:

- Mature trees identified in the tree survey (Drawing no 12) are all to be retained infinitely. Sufficient steps should be taken during the course of the construction works to ensure the root, tree trunk and branches are not damaged during construction which could lead to the fatality of any trees on site.
- The existing trees and their roots shall be protected during the course of site construction by the erection of a 1m high fence around the tree(s)/hedgerow at a radius of not less than 3m from the trunk of any tree.

### 3.6. Further information

- #### 3.6.1. Further information request issued 25<sup>th</sup> May 2017 on the 8 points set out in the planner's report.

### 3.7. Further Information Response

3.7.1. A response to the further information request was received 30<sup>th</sup> June 2017, including:

1) An alternative proposal for construction access is shown, and letter of consent from the relevant landowner provided.

2a) numbering system has been amended, 79, 80 and 81 now face the internal roadway (east).

2b) Unit No 77 will have a window in the gable 1<sup>st</sup> floor and on the side of No 77 facing the south site boundary will be a dry stone wall 1.8m high, Unit no 81 will have a gable window at 1<sup>st</sup> floor and a dry stone boundary wall on the northern boundary. Unit no 82 will have a gable window at 1<sup>st</sup> floor and dry stone wall facing west.

2 c) Boundary treatments for 77, 81 and 82 will be natural dry stone walls.

2 d) Drawing 12 shows cross section E-E showing levels of existing in relation to proposed levels.

3) Applicants feel the vacant site should be developed, but it is designated as open space in the development plan. It would not lend itself to usable public open space.

4a) done, see revised site layout.

4b) done, see revised site layout.

4c) in P06/3021 there was no provision for a turning bay. A turning bay is to be provided, slightly less than the recommended size.

4 d, e, f done - see layout.

5 a) and b) drawings enclosed.

6a) all trees here will be retained, boundary as a dry stone wall will be repaired where breached and brought to a height of 1.8m,

b) drawing provided. Proposed retaining wall will form part of the boundary with natural stone cladding facing adjoining property.

7) see enclosed.

8) on the eastern side of site there is a low lying area which historically was conducive to rainwater runoff onto adjoining land. The current proposal has this basin filled in and surface water will be contained and controlled within the site.

3.7.2. The submission includes photographs and drawings of a boundary wall; a letter from the landowner consenting to access through his land; a letter from Irish Water; and revised site layout and elevational drawings.

### 3.8. Further Reports

#### 3.9. Roads Design

3.9.1. A Further Roads Design Report was submitted, 27 July 2017, including:

- 1) drg 2017/21 no 2 Revision A dated 27.6.17 - The drawing shows some footpaths of 1.8m dimensions but the note on the drawing says 1.5m width. 1.8m width should be conditioned.
- 2) 5.5m wide roads is acceptable.
- 3) dropped kerbs and buff coloured tactile paving not shown, should be conditioned.
- 4) a fully dimensioned turning bay should be conditioned.
- 5) it would be preferable if the road in front of houses 82-85 is not constructed. The applicant was not asked this in the FI request but this alteration could be achieved by discontinuing the road between house A85 and A86.
- 6) raised tables are shown for house no 74 but a raised table is also required in front of existing house 12. The applicant was not asked this in the FI request but must be included as a contribution if not included in the application granted.
- 7) complied with.
- 8) submitted.
- 9) speed limit to be between 10-30km/hr as recommended by Design Manual for Urban Roads and Streets, table 4.1. All signs and road markings should comply with the Traffic Signs Manual.

- 10) Any landscaping of the green areas should not impede sighting on the access roads and this should be conditioned.
- 11) a roundabout is shown but the raised table access can be retained.
- 12) a contribution towards traffic calming/traffic management in the vicinity of the development on the existing estate road and on the regional road approaches to be a condition.

### 3.10. District Engineer

3.10.1. The District Engineer submitted a report, 27 July 2017, including:

- 1) show adequate sight distances at the proposed alternative access from L7160.
- 2) if the alternative access is granted, a bond of €25k is required in respect of potential damage to local road network from construction traffic and access by Carrownakilly road only. The L7160 (short sweep) north of the access should not be used.
- 3) Shannon MD office has concerns regarding road layout that would effectively result in 3 complete circuits. Office has been in receipt of a number of representations re. speeding over the past 2-3 years from residents in the existing 61 house development and requests for installation of traffic calming measures. Traffic from the addition of 29 houses will undoubtedly lead to increased calls for traffic calming measures. Revisions suggested.
  - a) the existing cul-de-sac at No 41 retained and proposed T junction at No 72/73 removed.
  - b) road no 2 terminated at no. 81 with a turning circle provided, making this a cul-de-sac.
  - c) alteration to road no 1 will be required with terminus/turning table to facilitate traffic to no's. 82 to 85.
  - d) the short section of road 1 from existing house no 31 to terminus of road 2 will become redundant and could be left as a green space with footpath connectivity.
- 4) the proposed mini roundabout at the existing junction of Gleann Cora with the R470 should be omitted and the existing raised table junction retained. This raised table should be planned out, re-paved and re-marked.

5) any raised speed tables, constructed as part of the proposed development, should consist of bituminous surfacing.

6) the proposed rock-faced panel boundary treatment throughout is unacceptable and should be replaced with concrete block construction.

7) there are many public lighting columns and mini pillars within the existing Gleann Cora estate positioned at the back of footpaths in private property and on front lawns. The current application should be conditioned that all public lighting infrastructure including underground ducting should be on public property.

8) contribution towards village road and footpath improvement €30k.

9) given the traffic issues highlighted, in the existing development and the increase in traffic volumes that will arise, a new development contribution towards the cost of installing traffic calming in existing estate - €10k.

### 3.11. Planning Report

Further planning report, 1<sup>st</sup> August 2017:

Recommends a request for clarification of further information on 5 points:

1 achievable sightlines and works required to achieve them.

2 1.8m wide footpaths and ref. to 1.5m.

3 inadequate turning head.

4 concerns were expressed with regard to the extent of infilling proposed where in some instances levels are to be raised by almost 4m. Clarify the full extent and area where this infilling is proposed and clearly outline same on a revised site layout plan in colour. Clarify if the extent of infilling can be reduced.

Re. item no. 6 - proposed retaining wall and proposed retention of existing trees, it is unclear how the boundary wall will be provided without removal of trees; clarify.

Height of wall should be reduced.

### 3.12. Request for Clarification of Further Information

A request for clarification of further information issued 2<sup>nd</sup> August 2017, on 5 points per the planner's report.

### 3.13. Clarification of Further Information Response

A response to the request for clarification of further information was received, 14 September 2017, including:

1) works to achieve sightlines are detailed.

2) all footpaths are 1.8m wide.

3) re. hammerhead, the layout has been changed, a single house is fronting the hammerhead. It accords with guidelines. There is no need to omit the single house as the hammerhead works.

4) there are constraints on how much the infilling can be reduced: e.g. invert of existing foul and surface water sewer networks and tying into existing road network which they intend to extend. They show revisions to foul and surface water sewers all floor levels have been reduced:

62-73 have been reduced to 98.00

74 has been reduced by 1.06m

75 and 76 have been reduced by 1.2m as the road gradient in two directions meets here.

82, 83, 84 and 85 have been reduced by 880mm to 88.50.

77, 78, 79, 80 and 81 have been reduced to 98.25

86 and 87 have been reduced to 99.00

88, 89, 90 and 91 have been reduced to 99.50.

By reducing the house levels the amount of cut and fill should balance out.

5) The boundary to the rear of house no's 86, 87, 88, 89, 90, 91 and 92 to be a block wall inside the line of existing trees on the eastern boundary. Trees inside property will be built around. Block walls with capping to be used in lieu of post and panels originally shown on drawings. Height of rear boundary walls to be reduced (from original proposal), to 1.5m.

### 3.14. **Planning Report**

3.14.1. A further planning report, dated 11<sup>th</sup> October 2017 which recommends permission subject to conditions, includes:

Sight distances at the proposed construction entrance have been indicated and are generally acceptable.

The footpath has been increased in width to 1.8m.

The order of houses to the northeast of the site has been revised to allow for a turning area, which is generally acceptable.

There are constraints with regard to site development due to the location of the foul and surface water network. A reduction in floor level and in the extent of fill is proposed which on balance is acceptable.

Item 5 response refers to 86-92. No retaining wall is proposed here. The concern is with ref to 72-85. A condition should be attached.

The alterations to the layout as recommended by the MD engineer should also be included.

Development contributions and bonds, until the development is taken in charge; and a separate contribution re public road per MD Engineer's report.

### 3.15. **Third Party Observations**

3.16. Third party observations on the file have been read and noted.

## 4.0 **Planning History**

06-3021 permission granted for the construction of 28 dwellinghouses and associated site works, to be accessed through existing Gleann Cora development (Ref p03/2561).

06-3030 permission granted for the construction of 21 dwellinghouses to be accessed through existing Gleann Cora development (Ref p03/2561).

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03/2561 permission granted for the demolition of an existing galvanised metal barn and 3 dilapidated sheds and the construction of 63 dwellinghouses, entrance and associated works.

## 5.0 Policy Context

### 5.1. Development Plan

Clare County Development Plan 2017 - 2023 is the operative plan.

The core strategy includes a population target for 2,339 for Newmarket-on-Fergus in 2023 from a 2011 population of 1,922; requiring 11.4ha of land. A density of 10 to the hectare for residentially zoned land and 5 to the hectare for low density residentially zoned land for large villages is envisaged. These are average figures for calculating supplies of zoned land. Individual planning applications on low density/residentially zoned land will be considered on their own merits.

Low density residential - this zoning refers to the use of lands to accommodate a low density pattern of residential development, primarily detached family dwellings. The underlying priority shall be to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design. Proposed developments must also be appropriate in scale and nature to the areas in which they are located.

14.27.b) refers to on-going development and improvement of green infrastructure in the plan area, including green networks, etc.

5.4.2.2 Countryside Recreation refers to the varied countryside of County Clare offering extensive opportunity for recreational activity through the provision of linkages via footpaths, cycle-ways etc.

CDP5.13CDP5.13Development Plan Objective: Countryside Recreation

It is an objective of the Development Plan:

To support the diversification of the rural economy through the development of the recreational potential of the countryside, in accordance with the National Countryside Recreation Strategy and subject to compliance with Objective CDP2.1.

Newmarket-on-Fergus is in the Shannon Municipal District. Volume 3 of the Plan includes zoning and objectives for Newmarket-on-Fergus. The site is zoned – low density residential.

## **5.2. Development Contribution Scheme**

Residential unit - other than rural village - rate per unit (up to 200m<sup>2</sup>) - €5,549.

## **5.3. Design Manual for Urban Roads and Streets**

Prepared jointly for the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government the manual re-examines the role and function of streets within our urban areas, where vehicular traffic is most likely to interact with pedestrians and cyclists and where public transport can most effectively and efficiently be planned for and provided.

It includes the advice that the movement towards more integrated and sustainable forms of development will result in a shift away from dendritic street layouts to highly connected networks which maximise permeability, particularly for pedestrians and cyclists.

When designing new street networks designers should implement solutions that support the development of sustainable communities. In general, such networks should be based on layouts where all streets lead to other streets, limiting the use of cul-de-sacs that provide no through access.

## **5.4. Natural Heritage Designations**

Lough Gash Turlough SAC (site code 000440) is 1km from Lower R Shannon SAC, R Shannon & R Fergus SPA (site code 004064) 4km from the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.2. Two third party appeals against the decision to grant permission have been submitted.

### 6.3. Carnakilla Residents Association

6.4. James O'Donnell, Planning Consultancy Services, has submitted the appeal on behalf of the third parties, Carnakilla Residents Association.

- The appeal is against condition 3.
- Condition 3 directs construction traffic to run along the L7160 & L3154 these roads are unsuitable to cater for intensive construction traffic.
- Contrary to the stated intention for imposing the condition, the third parties think that the condition would endanger traffic safety and adversely affect the amenities of the area. They request that the condition be omitted and that the construction traffic be facilitated through the existing estate road as originally applied for.
- They are rural dwellers who reside in a cluster of one-off houses fronting onto the narrow county roads to the east of the subject site.
- The Roads Section raised no objection to the construction access through the estate road.
- When the notification of receipt of further information was published they became aware of the revised proposal.
- They do not consider that the imposition of condition 3 was balanced and reasonable.
- The roads consist of a narrow single carriageway, with very poor alignment, little or no dedicated pull in areas and no footpath or public lighting and just a narrow grass verge.
- They serve more than 20 houses.

- The duration of the construction is unknown.
- There would be an unacceptable level of noise, dust and general disturbance.
- The roads form part of the Mid Clare Way, a formally designated walking trail.
- They refer to the Irish Trails Strategy, Green Corridors, CDP 8.2.1, Objective 14.27(b) which it would materially contravene: 5.4.2.2 and 5.13 which it would materially contravene.
- Minutes of a meeting in 2014 are cited in relation to remarks made by the Senior Executive Engineer.
- It has not been demonstrated that the route would comply with recommendations for site development works for housing areas, in numerous respects.
- Due to the configuration of the L7160/L3154 and also the site access junction, it is highly unlikely that they will be able to accommodate turning movements of large rigid trucks and HGVs.
- In the absence of detailed swepth path / autotrack analysis the proposal should be scrapped.
- The official speed limit is 80kmph, and although well exceeding capacity, drivers would be entitled to attempt this speed.
- No safety audit was carried out.
- The condition is wrongly worded and unenforceable.
- Construction access via the estate road is consistent with the established and permitted planning history.
- 03/2561, 06/3030 and 06/3021 all proposed access through the estate.
- Gleann Cora has superior access provision.
- Located within the speed limits of the town.
- They request removal of the condition.

## 6.5. Shane O'Leary

6.5.1. Shane O'Leary has submitted a third party appeal against the decision to grant permission. The grounds includes:

- Open space area – the application incorporated on the area of the site that is zoned open space. The response to the further information request included a revised layout which increased the proposed development from 29 to 31 houses. The additional houses were proposed on part of the site that is zoned open space, the majority is zoned low density residential.
- The proposal conflicts with the development plan.

The site is zoned LDR4 and identified as low density ie. below 15 units per hectare. Below 22 units would be consistent, 29 was proposed, 31 permitted: 40% higher. 28 units was previously permitted over ten years ago. There is a new development plan. The level of residential development creates an urban environment that is poorly conceived. Two dwellings are located on an area zoned for open space. The proposed development is for family sized homes and the level of open space is inconsistent with the principles of sustainable development.

- Procedure

It is unclear whether or not the further information request was an invitation to propose additional houses. Material contravention procedures were not followed. The third party questions the appropriateness of this, and notes that the application fee was for 29 dwellings and not 31. The house numbering, which skipped from 61 to 64 may have indicated the ultimate intention.

- Boundary Treatments to Neighbouring Properties

The boundary treatments are ambiguous; of particular concern is the boundary separating 63-67 from his parent's home and 67-73 from his home.

The original site layout indicated a 2.2m concrete block wall with piers, precast concrete capping rough cast plaster render to O'Leary's side.

The FI amended layout indicates precast post and panel fencing or blockwork boundary wall. Precast post and panel fencing would be insufficient.

Condition no 4 does not refer to this wall. It is prescriptive in relation to the eastern site boundary in relation to the retaining wall, however neglects to require this level of detail for the site boundary to his home and that of his parents.

The tree survey does not indicate the trees to the rear of Units 63-67. In the corner of his parent's property facing 63 there is a large pine tree over 40 years old within 5m of the proposed house. No condition re. root protection was attached.

- Site Levels and Infill Required

The site layout does not include current contours (A 23(c)) but contours prior to construction of the Glen Cora housing estate.

The matter of infilling is a consideration. The quantum of infill requires consideration re. haulage route; source and quality of material; and an understanding of the change in the drainage regime that will take place as a result of the proposed development.

A carefully considered drainage strategy is necessary.

- Site Access

The site access requires use of the L7160 and access will be required through Glen Cora. There is a question whether the existing access can accommodate the haulage vehicles required to deposit infill and the construction vehicles. When operational the development will also generate traffic and it is unclear whether the access has sufficient capacity for the AM and PM peak periods.

The level of changes to the access roads is so great as to raise the question of whether it is acceptable to deal with them by condition.

There will be a marked difference between the built development and that shown on the layout. The Development Management Guidelines, S7.1 and 7.7, are cited.

- He requests refusal.

## 6.6. Applicant Response

- 6.6.1. The applicant has not responded to the grounds of appeal (late response).

## 6.7. Planning Authority Response

- 6.7.1. The planning authority has responded to the grounds of appeal, including:
- The only options for access to the site are through the existing estate or the public road. On balance the planning authority considered that use of the local road network coupled with a bond to secure reinstatement would be the preferable option. The planning history and zoning were noted in the assessment.

## 7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, site access for construction, density and layout, boundary treatment to neighbouring residential properties, tree survey, procedure followed, and development charges/bonds and the following assessment is dealt with under those headings.

## 7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

### 7.3. Construction Access Route

7.3.1. The construction access road is the concern of the Carnakilla Residents Association appeal. This is the subject of condition 3 which they appeal.

Condition 3 a) states 'the access to the site during the construction period shall be from the L7160 local road via the L3154 and the R470 roads in accordance with the details as received by the planning authority on the 30<sup>th</sup> June 2017 and the 14<sup>th</sup> September 2017. Use of the L3154 road to north of the proposed construction access is not permitted.

7.3.2. As pointed out in the appeal the condition is incorrectly worded, it should state, 'Use of the L7160 road to north of the proposed construction access is not permitted'.

7.3.3. Notwithstanding the use of the phrase materially contravenes the development plan, in the third party appeal, in relation to the use of this road for construction traffic and its use as a walking route, material contravention of the plan does not arise.

7.3.4. In the original application the construction access was through the Glen Cora estate. As part of the further information request the applicant was requested to investigate the provision of an alternative site access during construction, the local road to the east, was suggested. The applicant responded to this request by obtaining the consent of a landowner/farmer to the provision and use of a temporary access route from the nearby L7160. This road is a narrow rural road, which, according to the third party appellants is also used as a walking route. It serves 20 one off houses. In support of their request to have the construction traffic access through Glen Cora, they submit that the Roads Section raised no objection to the construction access through the estate road.

7.4. The Glen Cora estate appears to be fully occupied and that the occupants appear to be predominantly families with young children. The layout is described as open plan, and it was a condition of the permission that no front boundaries be erected. In contrast the dwellings along the nearby rural roads are set well back from the road, behind roadside boundaries and gateways. If the development had proceeded before houses in the estate were occupied, the construction traffic would have been accommodated on the estate roads.



- 7.5. Condition no 3 b) of the decision will provide safeguards for residents along the local road. It requires that prior to the commencement of development, a traffic management plan for the construction phase must be submitted, detailing the road network to be used by construction traffic, arrangements for the protection of any roadside boundaries, drains or culverts; any remedial or improvement works required to roads, drains and culverts to be at the developer's expense; details of the timing and routing of construction traffic to and from the construction site and associated directional and safety signage; and including proposals to facilitate the delivery of abnormal loads. A further safeguard will be provided by condition 23 which requires a bond of €25,000 for road reinstatement.
- 7.6. In light of the greater vulnerability of Glen Cora residents to construction traffic I consider it preferable that the construction traffic for the proposed development should utilise the temporary access from the L7160.

#### 7.7. **Density and Layout**

- 7.7.1. A number of issues have been raised which could be considered under the heading density and layout. It is stated in the grounds of appeal that the density of the proposed development is excessive and cannot be considered low density as is provided for in the development plan.

It is stated that the density should be below 15 units per hectare and therefore that a maximum of 22 houses would be acceptable.

In relation to low density residential development the Development Plan states that 'the underlying priority shall be to ensure that the character of the settlement / area is maintained and further reinforced by a high standard of design. Proposed developments must also be appropriate in scale and nature to the areas in which they are located'.

I note that the development permitted under three previous permissions on sites which adjoined one another, provided for a total of 110 houses: 61 houses under ref P03/2561, which have been built and which approximate to numbers 1-61; 21 houses (southern portion of subject site) under P06/3030, none of which were built, and 28 houses under P06/3021 (including the northern portion of subject the site), 12 of which were built. The latter houses are shown as house numbers 99-110 on the

site plan submitted with the current application. The subject application would complete the 110 house development.

I am satisfied that the 'character of the area' is maintained in this case and that the density proposed is acceptable.

- 7.7.2. It is stated that the layout has been altered by condition to such an extent that the development should have been refused permission.

Condition no. 2 requires two main alterations to the site layout: the discontinuation of the access road which is shown running eastwards from house No 41 to join a new north south road; and the discontinuation of the latter north south access road at house No 81 so that it does not join the road to its north, which encircles a green at the north of the site. The effect of these changes would be to create a number of cul-de-sacs and to reduce the number of roads forming circuits within the estate.

The required changes arise from both the Roads Design Section reports and from the District Engineer's report. The District Engineer's report states that they have received a number of representations regarding speeding over the past 2-3 years from residents in the existing 61 house development, and requests for the installation of traffic calming measures. The condition seeking alteration of the road layout appears to stem from these requests.

The Board will note that the publication titled 'Design Manual for Urban Roads & Streets' (DMURS) prepared jointly for the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government, favours integrated street networks and discourages cul-de-sac roads. In this regard the document acknowledges that pressure is often applied from local communities to create vehicular cul-de-sacs. It states nevertheless that in general, networks should be based on layouts where all streets lead to other streets, limiting the use of cul-de-sacs that provide no through access.

In my opinion parts a) b) and c) of condition 2 of the decision are contrary to the most up to date advice on layout design and should be omitted.

- 7.7.3. Concern is expressed at the level of fill and the number of vehicles which will be required for its transport.

The Board should note that there was previously planning permission for development at this location and that development was carried out on the subject site as well as on the adjoining completed housing site. The site layout plan supplied indicates that the layout has been amended in the course of the application to achieve a reduction in finished floor levels. In the response to the request for clarification of further information it is stated that there are constraints on how much the infilling can be reduced: e.g. invert of existing foul and surface water sewer networks and tying into existing road network. The response also details the amount by which individual finished floor levels have been reduced and states that by thus reducing the house levels, the amount of cut and fill should balance out. The accompanying drawings titled 'foul and storm water details' show the alterations.

The Board will also note that the contour survey, which appears on maps supplied with the application, does not reflect the current situation and that filling of the site has already taken place.

I am satisfied with the proposed house levels and that there will be no excessive importation of material for infilling.

## **7.8. Boundary Treatments to Neighbouring Properties**

- 7.8.1. The third party appeal states that the boundary treatments are ambiguous; of particular concern is the boundary separating 63-67 from the third party's parent's home and 67-73 from his home.

It is pointed out by the third party that the original site layout indicated a 2.2m concrete block wall with piers, precast concrete capping and rough cast plaster render to O'Leary's side; the further information amended layout indicates precast post and panel fencing or blockwork boundary wall. He considers that precast post and panel fencing would be insufficient. He is concerned that condition no 4 does not refer to this wall and that whereas it is prescriptive in relation to the eastern site boundary re. the retaining wall, it neglects to require this level of detail for the site boundary to his home and that of his parents.

The site layout submitted on the 14<sup>th</sup> September 2017 refers to the boundary wall to the north of his property, to the rear of sites 64, 65 and 66 as a blockwork boundary wall, and to the rear of no 67 there is also reference to a blockwork boundary wall. In

relation to eastern boundary to site 63 there is an existing blockwork boundary wall in place at this location.

Condition number 4 refers to areas where the boundary, as proposed, requires amendment and in omitting reference to the portions of wall of interest to the third party, it is accepting the boundary as proposed, ie. a blockwork boundary wall; rather than neglecting to require this level of detail for the site boundary to his home and that of his parents. For clarity the Board may consider extending the condition to refer to this area of wall.

Condition 4(a) requires, in addition to a stock proof fence, the provision of a wall inside the existing boundary of hedge and trees which is to be retained. In my opinion the erection of a wall could compromise the retention of the hedge and trees and is unnecessary, a stock proof fence being sufficient. I consider that this part of the condition should be omitted.

#### **7.9. Tree Survey**

The third party appeal states that the tree survey does not indicate the trees to the rear of Units 63-67. He states that in the corner of his parent's property facing no 63 there is a large pine tree over 40 years old, within 5m of the proposed house and that no condition re. root protection was attached.

A drawing titled 'tree survey' was submitted with the application on 3<sup>rd</sup> April 2017. It identifies trees within the site and on the boundary, but not outside the boundary.

Notations such as '17 year old ash tree, 15m high 15m crown' are given.

Notwithstanding the provision of this 'survey' the presence of trees does not seem to have informed the layout, eg boundary walls, including a retaining wall, are proposed along boundaries where there are trees.

In the case of the tree referred to by the third party, it is outside the subject site, and the part of the development which will extend closest to the tree is the blockwork boundary wall, referred to earlier as a requirement of the third party.

In my opinion proximity to the pine tree should not be a reason to refuse or modify the permission.

## 7.10. Procedure Followed

- 7.10.1. The third party appeal states that the proposed development of two houses on an area zoned as public open space, conflicts with the development plan and material contravention procedures were not followed.

The layout which originally omitted development on the sites numbered 62 and 63 was amended in response to the request for further information.

There is no apparent reason why this small plot of ground was included as open space in the development plan, other than that historic ordnance survey mapping shows a field boundary originally ran in a north south line, immediately adjoining and east of house number 61. This line may have influenced the mapping of the open space, in that the line may have been followed too far south in the mapping of the open space.

Most forms of development are indicated in the 'Indicative Land Use Zoning Matrix' as 'will not normally be acceptable'. The purpose of the land-use zoning matrix is stated to be 'to provide an indication only of the type of developments that may or may not be normally considered or open for consideration on zoned lands. Each proposal submitted to the Council for consideration will be assessed based on its own individual merits'.

The access roadway to the front of sites 62/63, which is required to serve most of the proposed development is also within the open space zoning, as is the roadway east of No 41.

In the circumstances of this application I am in agreement with the planning authority, that retaining this small parcel of land, isolated from the usable open space by a road, would not provide amenity space for residents and could lead to anti social use. I consider that the proposed development, notwithstanding its encroachment on land zoned as open space is acceptable and does not materially contravene the County Development Plan. In my opinion the procedure followed is acceptable and I consider that material contravention does not arise.

## 7.11. Development Charges/ Bonds

- 7.12. Although development charges and bonds do not arise as a concern of either of the third party appeals, it is one which the Board should consider.

Two conditions of the decision refer to bonds. One requires the lodgement of a bond for the satisfactory completion of the development and the other requires the lodgement of a bond for the satisfactory reinstatement of the local road network which may be damaged by the construction traffic to the site. I consider that both of these bonds are reasonable, and neither has been appealed.

Two conditions of the decision refer to development charges. One refers to a S48 development charge in the sum of €172,019 based on a contribution of €5,549 per dwelling, in accordance with the Development Contribution Scheme.

The second is a charge of €40,000 towards the provision of improvements to the footpath and road infrastructure of Newmarket on Fergus and also for the provision of traffic calming measures within the existing Glen Cora Housing estate. The matter is referred to in the District Engineer's report where he recommends that a contribution of €30k be sought towards village road and footpath improvement and a further contribution of €10k be sought towards the cost of installing traffic calming in the existing estate.

In relation to the €30k, no specific exceptional costs have been identified in this regard which are not covered by the Development Contribution Scheme and it is not considered reasonable to levy this charge.

In relation to the €10k, having regard to the fact that there have been requests for traffic calming measures within the estate from residents, and having regard to the fact that there will be an increase in traffic volumes, and notwithstanding that the estate roads were developed relatively recently and were intended to accommodate this further development, I consider that, on balance, it is reasonable to levy the charge of €10,000 towards the provision of traffic calming measures within the existing Glen Cora Housing estate.

## 8.0 Recommendation

- 8.1. In the light of the above assessment I recommend that planning permission be granted in accordance with the following conditions for the following reasons and considerations.

## 9.0 Reasons and Considerations

It is considered that the proposed development, would provide residential accommodation in accordance with the county settlement hierarchy on lands identified for such use in the Clare County Development Plan 2017-2023, would not impact on the residential amenities of the area or constitute a traffic hazard and would accordingly 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 30 day of June 2017 and 14 day of September, 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. a) The proposed roundabout at the existing junction of Glenn Cora with

the R470 shall be omitted.

- b) The design of any turning circles or hammerheads shall be in accordance with the recommendations for site development works for housing area (DoEHLG 1998).

**Reason:** In the interests of traffic safety and to protect the amenities of the area.

- 3. a) access to the site during the construction period shall be from the L7160 local road via the L3154 and the R470 roads in accordance with the details as received by the planning authority on the 30<sup>th</sup> June 2017 and the 14<sup>th</sup> September 2017. Construction traffic shall use the L7160 road south of the proposed construction access only.

- b) prior to the commencement of development the applicant shall submit a traffic management plan for the construction phase, for the agreement and approval of the planning authority. This shall include details of the road network to be used by construction traffic and arrangements for the protection of any roadside boundaries, drains or culverts. Any remedial or improvement works required to roads, drains and culverts shall be at the developer's expense and shall not impact on existing land or road drainage. Details of the timing and routing of construction traffic to and from the construction site and associated directional and safety signage, to include proposals to facilitate the delivery of abnormal loads, shall also be included.

- c) Upon completion of the development the temporary construction access road shall be removed and the roadside boundary reinstated.

**Reason:** In the interests of traffic safety and to protect the amenities of the area.

- 4. The following shall apply with regard to the proposed boundary treatment
  - a) the hedgerow and trees along the boundaries to the north, east and south of units 86-92 shall be retained and reinforced with a stock proof



fence.

b) The mature trees along the eastern boundary of the site shall be retained where feasible. The use of precast post and panel fencing along the boundary is not permitted. The retaining wall and associated boundary wall shall be faced on the eastern side in natural local stone.

c) All other site perimeter boundaries other than those referred to at a) and b) shall be provided with 2m high blockwork walls, which shall be capped.

d) No walls, fences or other boundary treatment shall be constructed around the front gardens of the proposed dwellings and front gardens shall be kept as open plan.

e) Any boundary walls which address public areas within the development shall be faced with natural stone.

f) Rear boundary treatments between individual dwelling units shall be concrete block walls not exceeding 2m in height.

Prior to the commencement of development, full details of the proposed boundary treatment, including details of the proposed retaining wall, shall be submitted to the Planning Authority for agreement and approval. This shall include proposals for the protection of the existing mature trees along the eastern boundary of the site where feasible, and their incorporation into the scheme.

**Reason:** In the interests of visual and residential amenity.

5. 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) Details of when and where access to the existing Glen Cora estate will be required and how such access will be managed.

(b) Location of the site and materials compound(s) including area(s)

identified for the storage of construction refuse;

(c) Location of areas for construction site offices and staff facilities;

(d) Details of site security fencing and hoardings;

(e) Details of on-site car parking facilities for site workers during the course of construction;

(f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(h) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(i) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains; and to show that washings from vehicles, plant or equipment will be disposed of off-site.

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.

6. 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. 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.

7. The finished floor levels of dwellings shall be in accordance with the details submitted on the 14<sup>th</sup> September 2017.

**Reason:** In the interest of visual amenity and orderly development.

8. 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.

9. Public lighting shall be provided in accordance with the scheme submitted to the planning authority on the 30<sup>th</sup> June 2017 prior to commencement of development. LED lighting shall be provided. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

10. 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.

11. Any departures from the proposed numbering system or the use of the existing estate name shall be subject to the prior written agreement of the planning authority.

**Reason:** In the interests of urban legibility.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing –
    - (i) The species, variety, number, size and locations of all proposed trees and shrubs.
    - (ii) Details of screen planting.
    - (iii) Details of roadside/street planting.
    - (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
  - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
  - (c) A timescale for implementation. The areas of open space shown on the plans shall be reserved for such and shall be soiled, seeded and landscaped before any of the dwellings are made available for occupation.
  - d) Proposals for the protection of existing trees.

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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

14. The development hereby permitted shall be carried out and completed at least to the construction standards set out in "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998. Prior to commencement of development the developer shall agree with the planning authority, in writing, the procedures for inspection and monitoring of the entire development by the authority to ensure compliance with these standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

15. 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

16. The developer shall pay to the planning authority a financial contribution of €172,019 (one hundred and seventy two thousand and nineteen euro) 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. The application of any indexation required by this condition 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.

**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.

17. The developer shall pay the sum of €10,000 (ten thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of the provision of traffic calming measures within the existing Glen Cora Housing estate. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

18. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, or in the event of

the development not being taken in charge, until notice in writing has been issued by the planning authority stating that the development has been completed to a satisfactory standard, of roads, sewers, watermains, drains, car parks, open spaces 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 of any part of the development. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of €155,000 (one hundred and fifty five thousand euro), or
- (b) a cash sum of € 155,000 (one hundred and fifty five thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

**Reason:** To ensure the satisfactory completion of the development.

19. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the satisfactory reinstatement of the local road network which may be damaged by the construction traffic to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the local road network. The security to be lodged shall be as follows -
- (a) an approved insurance company bond in the sum of €25,000 (twenty five thousand euro), or
  - (b) a cash sum of €25,000 (twenty five thousand euro), to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
  - (c) such other security as may be accepted in writing by the planning

authority.

**Reason:** To ensure the satisfactory reinstatement of the local road network which may be damaged by the construction traffic to the site.

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Planning Inspector

26<sup>th</sup> April 2018

#### Appendices

- 1 Photographs
- 2 Extracts from the Clare County Development Plan 2017-2023
- 3 Extracts from the Clare County Council Development Contribution Scheme 2017-2023
- 4 Extracts from Design Manual for Urban Roads and Streets