



An
Bord
Pleanála

Inspector's Report ABP-300510-17

Development

Permission for the construction of a new club facility. The development will consist of: 2 storey clubhouse including changing rooms, meetings room, storage and ancillary facilities (gross floor area 463 sq. m.) and an outdoor viewing terrace; 3 no. playing pitches; floodlights for pitches 1+2; associated car park with coach and cycle parking; on site waste water treatment system and all associated site and development works.

Location

Lands (c 4.1 ha) at Tibbradden Road, Kilmashogue, Dublin 16.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D16A/0955

Applicant(s)

Stillorgan RFC.

Type of Application

Permission

Planning Authority Decision

To Grant Permission subject to conditions.

Type of Appeal

Third Party

Appellant(s)

Peter Lawford

	An Taisce
	Selina Guinness and Frank Fennell
Observer(s)	No observers
Date of Site Inspection	18 th April 2018
Inspector	Erika Casey

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 4.13 ha and is located off Tibbradden Road c. 650m south west of the roundabout junction of Tibbradden Road, Kilmashogue Lane and Whitechurch Road. The M50 is located to the north of the site. Ballinascorney Golf Club is located to the east. The site is currently undeveloped and in agricultural use. At the time of the site visit, there were sheep grazing. There is an existing stone wall along the roadside boundary. The condition of the wall is variable with a number of the capping stones missing. The site comprises two separate fields, each with mature trees and vegetation along the field boundaries. The character of the area is rural with limited development evident in the immediate environs.
- 1.2. Further to the west, is a cluster of housing and development focussed around Cloragh Road and Mutton Lane. Tibbradden House (a protected structure RPS 1708) and Mount Venus Nursery are located c. 0.3 km south of the site boundary and Cloragh House is located c. 0.2km to the south west.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new club facility and sports pitches for Stillorgan Rugby Club consisting of:
- Two storey clubhouse with an area of 463 sq. metres including changing rooms, meeting room, storage and ancillary facilities. The maximum height of the club house is 7.88 metres.
 - An outdoor viewing terrace.
 - 3 no. playing pitches to include floodlights for pitches no. 1 and 2.
 - Ball nets of c. 15 metres at the western end of each pitch.
 - Associated car park with 87 no. car parking spaces, coach and cycle parking.
 - On site waste water treatment system.
 - All associated site and development works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 2: Ball netting behind the three pitches on the eastern side shall be retractable in nature and the netting shall be retracted at all times when the relevant pitch is not in use.

Condition 3: Floodlighting shall be directed to shine on the pitches only and shall not be used after 10pm.

Condition 10: Outdoor lighting report on the proposed car park lighting to be submitted.

Condition 18: Archaeology – pre development testing at the site.

Condition 20 and 21: Bat mitigation measures.

Condition 22: Tree protection.

3.2. Planning Authority Reports

3.2.1. Planning Reports (21.02.2017 and 20.11.2017)

- The proposed development of a sports ground is acceptable in principle at this location.
- The clubhouse structure is considered to be relatively modest in scale and functional in design. Its central location on site, distance to boundaries and absence of adjoining development results in no overshadowing, overbearing or overlooking impact. It is not considered to be an obtrusive or incongruous feature in the landscape.
- There is recent precedent for sports and recreational facilities in the vicinity of the proposed site in areas with the same zoning objective. A number of submissions received on file point out that Stillorgan RFC has no history in the area. It is not considered that this is an issue. There are examples of sporting clubs contributing positively to a community with which they have few previous links e.g. Shamrock Rovers in Tallaght.

- Noise and light pollution is an inevitable consequence of development of the type proposed. The floodlights proposed are simple in design and are a reasonable ancillary feature of sports grounds. They would be directed to shine onto the playing surfaces only and there would be restricted hours of use.

3.2.2. Other Technical Reports

Transportation Planning (10.02.2017 and 16.11.2017): No objection subject to conditions.

Drainage Planning (25.01.2017): No objection subject to conditions.

Parks and Landscape Services (17.02.2017 and 14.11.2017): No objection subject to conditions.

Waste Management (13.01.2017): No objection subject to conditions.

Environmental Health Officer (17.01.2017): No objection subject to conditions.

Biodiversity Officer (16.11.2017): No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water (17.01.2017): Recommends Further Information regarding the submission of a pre connection enquiry.

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (31.01.2017): No objection subject to condition.

An Taisce (30.01.2017, 01.02.2017 and 06.11.2017):

- Consider that site is unsuitable for the proposed development and contrary to the zoning objective. The facility is primarily to serve a city based membership and will not improve rural amenity.
- Concerns that the development does not provide adequate access by pedestrian and cyclists.
- Object to the deconstruction of part of the stone boundary wall which is considered to be a significant feature of the rural character of the area and merits conservation in its present alignment. Consider that inadequate

information has been submitted to demonstrate how the wall will be reconstructed.

- Concerns regarding impacts of floodlighting and that photomontages to demonstrate impact of same should be submitted.
- Note proximity of the development to Tibbradden House and that it should be ensured that the development has no undue impact on the views and setting of this protected structure.
- Inadequate information regarding the effect of the development on the wildlife and ecology of the area.

3.4. Third Party Observations

3.4.1 A significant number of observations were made in relation to the application. Issues raised are similar to those raised in the third party appeals and can be summarised as follows:

- Concerns regarding impacts on the landscape, heritage and character of the area and that the development constitutes inappropriate suburbanisation within a sensitive valley landscape and will have an adverse visual impact.
- Consider that the development will have a negative impact on the original demesne setting and historic landscape of Tibbradden House. Object to the deconstruction of the existing stone boundary wall which it is considered forms a significant feature of the rural character of the area.
- The development is contrary to the zoning objective for the area to protect agriculture and rural amenity. Consider that pitch facilities for local use are already adequately provided for in the immediate vicinity. Concerns regarding impact of the development on the viability of farms in the vicinity.
- The proposed clubhouse, splayed entrance from Tibbradden Road, car park, floodlights and goalposts will be visually obtrusive. Concerns regard potential noise impacts.
- It is considered that the proposed development is not located in an area accessible to the community it serves and that access to it will be

predominantly car based. Pedestrian and cyclist access is poor and there are inadequate sightlines for exiting traffic. Note that there is no street lighting along Tibbradden Road.

- Object to traffic impact and volume of additional traffic the development will generate. Consider that parking provision is inadequate and will result in overspill parking to the adjoining road network.
- State that the development will have a negative impact on the biodiversity and ecology of the area. Consider that impact on bats has not be adequately assessed. Concern regarding the landscape works specification and the use of herbicides and artificial fertilisers on adjoining agricultural lands.
- Object to loss of trees and hedgerows and note the need for appropriate tree protection measures.
- Negative impact on the drainage of the area and concerns regarding potential flooding.
- Concern regarding construction stage impacts, particularly the extent of excavation required and that the construction management plan is inadequate.
- Appropriate Assessment is inadequate.
- Reference to ongoing enforcement proceedings on adjacent lands.

4.0 Planning History

4.1 There is no recent planning history pertaining to the subject site.

4.2 Relevant planning applications in the vicinity include:

D15A/0255:

Permission granted to the Dundrum South Dublin Athletic Club in June 2015 for a development comprising the change of use of St. Thomas House to a sports clubhouse with the provision of surface car parking for a total of 61 no. cars at St. Thomas Estate, Tibbradden Road, Whitchurch, Dublin 16.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective B: *To protect and improve residential amenity and to provide for the development of agriculture.*

5.1.2 Sports Facility is open for consideration under this zoning objective. Sports facility is defined in Section 8.3.12 of the Plan as follows:

“A building or part thereof or land used for the organised and competitive activity that aims to promote physical activity and well being e.g. sports hall, gym, squash centre, tennis club, golf club, swimming pool, sports pitch, athletic track, skate park, health studio, meeting or activity rooms within clubhouse, racecourse.”

5.1.3 Open Space is permitted in principle under the Objective B zoning. This is defined as:

“Open space is a parcel of land in a predominantly open and undeveloped condition that is suitable for the following:

Outdoor and indoor sports facilities and cultural use - owned publicly or privately, and with natural or artificial surfaces including tennis courts, bowling greens, sports pitches, golf courses, athletic tracks and playing fields.”

5.1.4 Relevant policies and objectives include:

Section 4.2.2.9 Policy OSR 10 (Sports and Recreational Facilities)

“It is Council policy to promote the provision and management of high quality sporting and recreational infrastructure throughout the County and to ensure that the particular needs of different groups are incorporated into the planning and design of new facilities.”

5.1.5 The plan goes on to state:

“The benefits accruing from participation in sport and recreational activities are well documented. Sports facilities and grounds in Dun Laoghaire-Rathdown include a variety of both indoor and outdoor recreational facilities, which provide for the active recreational needs of the community. It is important that facilities are located where

they are of most value and accessible to the community being served. Accessibility should be promoted primarily through public transport links and by walking/cycling. The Council will target specific communities/groups with currently low levels of participation and will focus on increasing awareness and access to sports, recreation and leisure in these identified areas.”

5.1.6 With regard to biodiversity, the following policy is of relevance:

Policy LHB 23 (Non Designated Areas of Biodiversity Importance): *It is Council policy to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance, including species protected under the Wildlife Act 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, and rare species are adequately protected.*

5.1.7 Appendix 7 of the Plan sets out landscape character areas. The subject site is located within Area 1 – Kilmashogue Valley. The plan notes:

“Kilmashogue Valley is currently one of the County’s finest unspoilt valley landscapes, which is currently not protected by any particular status. Any development in this valley should be carefully considered and be in sympathy with the existing landscape. The upper portion of the valley has not been affected by large-scale afforestation.”

5.2. Natural Heritage Designations

5.2.1 There are no Natura 2000 sites within 2 km of the subject site. The nearest sites are the Wicklow Mountains SPA and SAC located c. 2.7 and 3.4 km respectively south of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 Three third party appeals have been submitted by Reid Associates on behalf of Selina Guinness and Frank Fennell, An Taisce and Marston Planning Consultancy

on behalf of Peter Lawford. Similar issues have been raised by the parties and can be summarised under the following headings:

Procedural

- Consider that there are serious deficiencies in the planning application in terms of the validity of the application and the procedural approach adopted by the Council in undertaking their assessment.
- State that the description of the nature and extent of the development in the public notices regarding significant further information/revised plans is inadequate and does not comply with the planning regulations. No details of the proposed ball nets were included in the development description. Consider that the new notices should have described this new element.
- Object to a number of the conditions on the notification of grant of permission on the basis that they are ultra vires, unenforceable and prejudice the right of third parties as they are subject to agreement with the Planning Authority. Concern that no condition has been attached to regulate the parameters of use of the proposed pitches.

Principle of Development and Compliance with Zoning Objective and Policies of the County Plan

- Consider that the site is an unsuitable and unsustainable location for the proposed development having regard to its remote and rural location with deficient public transport connections. There is no genuine need for the development at this location. The development is essentially a suburban/urban generated land use unrelated to the local community within the agricultural zone. It would result in the displacement of the agricultural use across an extensive area and would have a negative impact on the viability of adjoining agricultural land.
- States that having regard to the nature and scale of the proposed development which consists of primarily non rural/non agricultural, urban generated uses, the development constitutes a material contravention of the development plan. The Planning Authority have erroneously asserted that the development is acceptable on the basis that sports facility is open for consideration under the

zoning objective. Considers that clubhouses are not permitted within the definition of sports facility.

- It is considered the development is incompatible with the overall policies and objectives of the development plan. The development is contrary to policy OSR10 and section 8.2.3.7 of the Development Plan which addresses Rural – Non Residential Development as the development is not located in an area where it is accessible to the community being served.
- Does not consider Ballinascorney Golf Club or the Dundrum Athletic Club developments to be relevant precedents due to their different characteristics. Consider that the proposed development is materially different on a number of grounds including impact on the rural character of the area and landscape, the intensity of use and potential ecological impacts.
- Notes a number of other precedent decisions where development have been refused on the basis of zoning, traffic hazard and impact on the rural area which are considered pertinent to the subject proposal.

Landscape and Visual Impact

- The site is located in an agricultural and rural area beyond the urban fringe where the landscape character is visually sensitive and vulnerable. Consider the development to be urban generated and that it will have a material and adverse impact on the visual amenity and character of this sensitive landscape.
- Objections raised with regard to:
 - the extent of excavation and changes to the ground levels which it is considered will create an unnatural cut into the landscape topography;
 - The imposition of a formal rigid playing pitch structure in an area of rolling hills;
 - the design and siting of the clubhouse which is considered functional and exposed and will have an adverse visual impact;
 - the location of internal access paths and potential impacts to adjacent agricultural lands;

- the extent and visual impact of the surface car park, public lighting and ball nets;
- impact of floodlighting which it is considered would be widely visible beyond the site;
- the removal of trees and hedgerows;
- the impact of additional traffic on the rural ambience and
- impacts on the historic boundary wall. Note precedent decisions where permission has been refused on Tibbradden Road on the basis that removal of the front boundary wall would result in the unacceptable erosion of the rural character of the area.

Heritage Impacts

- Consider that the proposed development would intrude on the demesne landscape character and amenity of Tibbradden House – a protected structure and adversely impact on its setting. Concerns also raised in respect of the impacts on Cloragh House.
- Concern that there is an inadequate method statement regarding the reconstruction of the original stone boundary wall. Object to the relocation of the wall.

Traffic and Access

- Consider that the Transportation Impact Assessment is inadequate and does not assess the full traffic and transport impact of the proposed development. In particular states that the potential scale of traffic and trip generation figures have been underestimated; the future intensification of the facility has not been assessed; the intensity of peak arrival and departure times have not been considered and the inadequacy of the capacity of the existing road network is not assessed.
- State that the proposed site has limited accessibility for pedestrians and cyclists, the bus service in the area is limited to 4 services per day and there is inadequate public lighting along the road. Consider that the development would conflict with the cycling and hiking use of the local road network and will be

predominantly car based. Note that Tibbradden Roads has a poor width alignment and is deficient to cater for increased traffic which would include coaches. State that the proposed access is unsafe, has substandard sightlines, would constitute a traffic hazard and result in significantly increased traffic congestion.

Ecology and Biodiversity

- Concern that the development will radically transform the lands from their natural state and will have a negative impact on the biodiversity of adjoining farmland which are farmed under REPS and GLAS contracts. Consider that there is an inadequate buffer between the development and adjoining farming lands.
- State that protected species such as the Irish Hare are present on the site and were not identified in the Ecological Impact Assessment.
- Consider that the flood lighting will have a negative impact on wildlife, birds and bats and that fencing will have implications for the movement of wildlife.
- Appropriate Assessment Screening considered inadequate.

Other issues

- Flood Risk: No site specific flood risk assessment undertaken
- Wastewater Treatment: Concern regarding the proposed waste water treatment system given the vulnerability of the groundwater resource.

6.2. Applicant Response

Procedural

- Article 35 of the Planning and Development regulations 2002 and Form no. 4 clearly set out the wording to be contained in a public notices accompanying significant further information. The notices as submitted clearly comply with same.
- It is considered that all of the conditions are clear and not vague or imprecise. Conditions relating to the ongoing operation and management of a development are commonly attached to permissions. Conditions regarding the

timing of floodlighting is commonplace and that relating to the retractable nets is practical. Conditions requiring agreement with respect to car park lighting, signage, refuse storage and landscape detail are all standard.

Principle of Development and Compliance with Zoning Objective and Policies of the County Plan

- The 'B' zoning objective permits in principle the main use proposed as part of this development - open space. The definition of open space as per section 8.3.12 of the County Plan includes sports pitches. The clubhouse, car parking etc. are ancillary uses to the main use and are open for consideration. The ball netting and floodlighting are supporting infrastructure to facilitate the main permissible sports facility use.
- With regard to the definition of sports facility, this is not intended to exclude clubhouses which are a natural element of most sports clubs. Rather the definition clarifies that meeting rooms and activity rooms that are not within clubhouses are to be excluded.
- The claim that the development is a material contravention are unfounded. The zoning objective does not seek to preserve all such lands in agricultural use. Many of the uses listed as permissible in the zoning matrix under zoning objective B are unrelated to agriculture.
- The subject site is located at the urban rural fringe and is not an exclusively rural area. Notwithstanding the limited residential population in the area south of the M50, there is a range of social infrastructure in this area including a number of golf clubs, GAA grounds, football club, athletics club, a number of schools with associated grounds and sports facilities, equestrian centres, cemetery and veterinary hospital.
- These facilities are similarly not directly served by public transport and not located within the urban communities served. It is difficult and unsustainable to locate new recreational uses within the suburban communities served when such uses have significant land requirements. The urban rural fringe allows for low intensity recreational uses to be considered as they generally do not conflict or undermine the agricultural and rural amenity objectives.

- Policy OSR10 states that it is council policy to ensure the particular needs of different groups are incorporated into the planning and design of new facilities. The club has a geographically dispersed membership base and club training and matches are scattered across a number of locations. The club is not tied to any one residential community, but serves a base spread across south Dublin. The current operational arrangements are not meeting the needs of the club or its members. The proposal to consolidate the clubs activities does not, therefore, conflict with Policy OSR10.

Landscape and Visual Impact

- The Kilmashogue Valley Landscape Character Area is a significant area extending over 550 ha starting at the M50 in the north and extending deep into the Dublin Mountains terminating near Three Rock Mountain. The application site is a minor element in the overall landscape.
- The appellants reference the unspoilt rural character but ignore uses in the landscape which have previously altered the field patterns in adjoining fields including the M50 and the Ballinasconey Golf Club. There is a failure to acknowledge the clear distinction between the northern and southern sections of the valley in terms of the sensitivity of the landscape. The application site is located a significant distance away from the High Amenity Zone and is not located in any of the 5 designated Historic Landscape Character Assessment Areas. The appellants ignore the reality of this urban rural fringe area where may urban related uses and structure co-exist with rural uses.
- The appellants refer to the removal of the boundary wall and fail to acknowledge that the development includes for the reinstatement of the wall. The existing wall is in a poor state and in need of significant repair and capping. It is not protected as part of the curtilage of a projected structure. References to other precedents along Tibbradden Road which were refused on the basis of the removal of boundary hedgerow are irrelevant.
- The criticisms of the clubhouse design are unwarranted. The functional design reflects the use and needs of its members and is innovative, built into the slope of the site presenting as two storeys to the car park and single storey to the adjoining pitch. The design and scale will not negatively impact on the

landscape or character of the area. There are no protected views along Tibbradden Road and the building is set back from the road by over 40 metres.

- There is no acknowledgement by the appellants to the extensive landscape proposals which will screen the development. Furthermore, existing hedgerows/treelines around and through the site are being retained and enhanced. Netting will be retracted when not in use and floodlighting will be restricted to 10 pm.
- The pitches have been designed to integrate into the site's gradient and are each set at individual levels to reflect the gradient at that particular part of the site. As a result the level of cut and fill required to provide a level pitch in each instance is reduced.
- With regard to lighting, it is considered that due regard has not be taken of the comprehensive studies and proposed mitigation measures designed with input from a bat specialist. Notes that there is extensive public lighting along the M50 and adjacent to it and that the impact of the development will not be significant in this context.

Heritage Impacts

- Tibbradden House is located between 350 and 650 metres south of the application site and the application lands are not within the curtilage of the house. It is noted that the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and the Heritage Council had no concerns regarding the proposal.

Traffic and Access

- The club numbers associated with the development are small and the development will result in a low additional traffic impact on Tibbradden Road either with or without a higher modal split for public transport.
- The Traffic Report contends that the width and alignment of the road coupled with the low traffic generation of the development will not appreciably impact capacity or road safety.

- The potential to cycle to and from the development will be a viable option. Notes that the Tibbradden Road is frequently used by cyclists notwithstanding that there is no dedicated cycle track or public lighting.
- Notes that sightlines are in accordance with DMURS which permits the sightline to the left to be taken to the centreline of the major road, where there is a constraint on overtaking.

Ecology and Biodiversity

- Comprehensive assessments were undertaken with regard to the ecology of the site. The development will result in some ecological impact, however, a range of reasonable mitigation measures are proposed and a derogation sought in relation to the bat roost disturbance.

Other Issues

- Flooding: The proposed development by its nature and design will not result in any surface water flooding and is removed from any nearby streams.

6.3.1 Planning Authority Response

- Under zoning objective B: *To protect and improve rural amenity and to provide for the development of agriculture*, 'open space' is designated as permitted in principle. A 'Sports Facility' is open for consideration. There is no proven need required to be associated with a development such as the type proposed.
- The Transportation Section indicated no objection to the development and the Drainage Planning Section was not of the opinion that flooding is a concern.
- The Biodiversity Officer indicated no objection with regard to impact on bats or the general biodiversity of the area and the Parks and Landscape Services Section indicated no objection with regard to impact on trees or biodiversity.
- All of the conditions are considered to be enforceable and valid. Reference to the eastern side is an error and this should be read as western side.
- While located in Area 1 (Kilmashogue Valley), it is not considered that the site can be strictly considered to be located within the valley itself.

- Neither Article 35 nor Form No. 4 of the Planning and Development Regulations, 2001 requires the ‘new’ issues on foot of re-advertised public notices have to be specifically cited on the public notices.
- Changing facilities are considered to be an inferred feature of any sports facility and just because it has not been specifically cited under the definition does not mean it is not acceptable.

6.4 Observations

- No observations.

6.5 Further Responses

An Taisce (30.01.2018)

- Support the grounds of appeal brought forward by the other appellants. Note in particular the photographs submitted illustrating the deficiencies in the road network. The aerial photographs indicate the agricultural field patterns. The development does not comply with the primary purpose of the zoning objective *“to provide for the development of agriculture”*. The development would displace such a use altogether.

Reid Associates on behalf of Selina Guinness and Frank Fennell (20.12.2018)

- Supports the grounds of the other appeals submitted and the view that the development would materially and adversely impact on the views from Tibbradden House. Consider that this issue has not been adequately considered by the Planning Authority and that there has been no detailed assessment of the visual impact of the development on the historic Cloragh/Tibradden demesne, nor from the protected structure. Notes submission made by the Irish Georgian Society regarding the importance of the landscape character.
- Concerns raised regarding the stability and integrity of Tibbradden Road and impact of extensive excavation works and potential traffic impacts due to the road closure of Edmondstown Road.
- Reiterates the grounds of appeal and reasons the development should be refused.

7.0 **Assessment**

7.1 The main issues in this appeal are those raised in the grounds of the appeals. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Procedural
- Principle of Development and Compliance with Zoning Objective and Policies of the County Plan
- Landscape and Visual Impact
- Heritage Impacts
- Traffic and Access
- Ecology and Biodiversity
- Other Issues
- Appropriate Assessment

7.2 **Procedural**

7.2.1 A number of procedural issues are raised by one of the appellants regarding the validity of the site notices and it is contended that there are legal deficiencies in the application. It is stated that the notices published at Further Information Stage do not comply with the Planning Regulations as no detail is provided regarding the proposed ball nets at the western end of each of the playing pitches.

7.2.2 Article 35 of the Planning and Development Regulations sets out the requirements of the public notices required in respect of further information or revised plans. It is detailed that the revised public notices must state that significant further information or revised plans, as appropriate, in relation to the application has or have been furnished to the planning authority. Form no. 4 of the regulations sets out a template of the site notice of further information/revised plans. It is noted that there is no requirement under the regulations to specify the nature of the significant further information or the revised plans. Guidance regarding significant additional data (Article 35) is also set out in section 5.9 of the Development Management

Guidelines. This makes no reference of the requirement to specify the nature and extent of the significant further information/revised plans.

7.2.3 It is evident that the purpose of such public notices is to inform the public that significant additional data has been submitted in respect of an application, and if they are an interested party, affords them the opportunity to view such information and make a further submission if necessary. I am satisfied that the public notices submitted by the applicant at Further Information stage comply with the relevant regulations and that no third party rights were prejudiced in this regard.

7.2.4 Concerns have also been raised by the appellants regarding a number of the conditions imposed by the Planning Authority. It is stated that some of the conditions are unenforceable and require the submission of additional plans and details to be agreed with the planning authority which may be prejudicial to the rights of third parties. Having reviewed the contested conditions, I am of the view that they are valid and enforceable.

7.2.5 The Development Management Guidelines (Section 7.9) advise that conditions requiring matters to be agreed where matters involved are of a fundamental nature or such that third parties could be affected should be avoided. In this instance, the Planning Authority imposed conditions regarding lighting and signage (condition 5 and 10) to be agreed by way of compliance. I consider these to be relatively minor issues and that it would be unreasonable to require the applicant to go through the statutory application procedure in relation to these details of the proposed development. I am satisfied that these are matters which can be agreed to the satisfaction of the Planning Authority without prejudice to third parties.

7.3 Principle of Development and Compliance with Zoning Objective and Policies of the County Plan

7.3.1 The subject lands are zoned Objective B: *To protect and improve rural amenity and to provide for the development of agriculture*. Under this zoning objective 'Open Space' is permitted in principle and 'Sports Facility' is open for consideration. Section 8.3.12 of the plan provides a clear definition of the use classes. The definition of 'Open Space' includes outdoor and indoor sports facilities, owned publicly or privately and with natural or artificial surfaces including sports pitches. A 'Sports

Facility' is defined as a building or part thereof or land used for organised and competitive activity that aims to promote physical activity and well being.

7.3.2 The proposed development comprises three rugby playing pitches and an associated clubhouse with changing rooms and ancillary facilities. I am satisfied that the proposed pitches fall within the definition of open space as provided for under the development plan and that the club house constitutes a building used for organised and competitive activity. The development is, therefore, in accordance with the zoning objectives for the site.

7.3.3 It is noted that one of the appellants has contended the appropriateness of the clubhouse facility on the basis that such a use is not explicitly stated in the list of uses detailed under the definition of 'Sports Facility' in the County Plan. The definition of a 'Sports Facility' provides examples of the types of uses that would constitute a building used for organised and competitive activity and states "*e.g. sports hall, gym, squash, centre, tennis club, golf club, swimming pool, sport pitch, athletic track, skate park, health studio, meeting or activity rooms within clubhouses, racecourse*". It is my view that such a list is not intended to be exhaustive and that the proposed club house is clearly related to and ancillary to the primary sports pitch use proposed. I do not consider such a use to be a material contravention of the zoning objective. It is also stated by one of the appellants that the car park, flood lighting and ball nets are not permitted under the zoning. I also consider these elements of the proposal to be ancillary to the primary sports pitch use.

7.3.4 It is detailed by the appellants that the proposed use would result in the displacement of the existing agricultural use, have a negative impact on the viability of adjoining agricultural land and be prejudicial to the agricultural zoning objective. Whilst the appellant's comments are noted, I am of the view that the purpose of the objective B zoning is not necessarily to preserve the subject lands for agricultural use. A wide range of land uses are permitted in principle or open for consideration under the zoning objective and each proposal must be considered on its merits and in accordance with the proper planning and sustainable development of the area. I am satisfied in this instance, that the proposed use will preserve the open character and nature of the lands and will have no material adverse impact on the integrity or operation of adjoining agricultural lands. In this regard, I do not consider the proposed end use to be of such excessive scale or intensity to be prejudicial to the

wider agricultural lands and in this context, I am satisfied the development does not represent a material contravention of the plan.

- 7.3.5 A number of the appellants emphasise that there is no need for the proposed development, that the location is unsuitable and unsustainable having regard to its remote and rural location and that the development is essentially a suburban/urban generated land use unrelated to the local community within the agricultural zone. It is considered contrary to policy OSR10 of the County Development Plan.
- 7.3.6 The proposed development is to provide a permanent home for the Stillorgan Rugby Club. It is understood from the application documentation that the club originated in Maynooth over 45 years ago and relocated to Dun Laoghaire Rathdown in the early 1980's. Most recently, the club were forced to vacate the CUS Sportgrounds in Clonskeagh, as these lands are being developed for residential use. At present, the club uses 4 different locations across the County. It is noted under the zoning objective, there is no requirement to justify the need for a particular development. It is the end use rather than the end user that must be considered when assessing compliance with the zoning objective. Notwithstanding this, it is reasonable in my view that the club should wish to develop a stand-alone facility in order to further develop and consolidate their activities.
- 7.3.7 With regard to the location of the development and its rural, isolated setting as stated by the appellants, I note the applicant's analysis of other sports and recreational facilities south of the M50, located on lands within this agricultural belt and zoned Objective B (Figure 1 – 1st Party Appeal Response). There are numerous golf clubs, GAA clubs, equestrian centres, educational campuses etc. in this area. It is acknowledged that given the demand for serviced land within the established suburbs of the urban area for residential development, that it is increasingly difficult for sporting clubs to obtain lands within the prime urban core for sporting and recreational amenities that require a large land take such as that proposed. I am satisfied that the location of the proposed development is not within a pristine rural environment as contended by the appellants but rather within the urban rural fringe where there is a prevalence of such facilities and amenities.
- 7.3.8 It is noted that one of the appellants has provided a detailed analysis of other amenities in the area including the Dundrum/South Dublin Athletics Grounds and the

Ballinascorney Golf Club, outlining the reasons why in their view that the current proposal is materially different. Whilst I acknowledge that the characteristics of many of these sporting and recreational amenities differs from the current proposal, they do in my view provide relevant precedents that recreational and sporting land uses can be developed and be compatible with agriculturally zoned lands.

7.3.9 A number of the parties emphasise Policy OSR10 which states “*It is Council policy to promote the provision and management of high quality sporting and recreational infrastructure throughout the County and to ensure that the particular needs of different groups are incorporated into the planning and design of new facilities.*” The guidance regarding this policy goes onto state “*It is important that facilities are located where they are of most value and accessible to the community being served.*” It is contended by the appellants, that due to the location of the development and its lack of public transport connectivity, that it is a material contravention of this policy.

7.3.10 It is detailed by the applicants, that despite its name, the subject club has a wide membership from across Dublin and is not specifically associated with the suburb of Stillorgan. The club, therefore, does not serve any one specific community. The current dispersed nature of their operations, is in my view not meeting the needs or requirements of the club. Policy OSR10 is an aspirational rather than prescriptive policy and the main thrust of it is to ensure the provision of high quality sporting and recreational amenities across the County. The proposed development will provide such a facility and allow for the continuing development of a well established Rugby Club. The location of the site, due to its proximity to the M50 means that it is widely accessible to south Dublin and the clubs wide membership base.

7.3.11 In conclusion, I am satisfied that the proposed uses are in accordance with the zoning objective for the area. It is not the intention of the B zoning objective to preserve such lands in their entirety in agricultural use. A broad range of land uses are permitted and open for consideration and must be considered in this context. In this regard, I am satisfied that the development does not constitute a material contravention of the Development Plan. Whilst the development will result in the loss of a small portion of agricultural land within this overall zone, I consider, given the open layout of the development, the likely intensity of use and the fact that much of the existing mature hedgerows and trees within the site will be retained and

enhanced, that there will be no adverse impacts and the development will not undermine the viability of other agricultural land in the vicinity.

7.3.12 The difficulty of locating new recreational uses within existing suburban communities when such uses have significant land requirements is acknowledged. As noted from the numerous other recreational, sporting, and educational uses in the wider area, this urban rural fringe allows for low intensity recreational uses to be developed which are compatible with the character of the area and do not conflict or undermine the agricultural and rural amenity objectives. It is my view that the development will consolidate the activities of a long established rugby club which is compatible with the broad objectives of the council to develop high quality sporting and recreational facilities across the County. I am satisfied that the development is acceptable in principle at this location.

7.4 Landscape and Visual Impact

7.4.1 Concerns are raised by the appellants regarding the landscape and visual impact of the development. It is considered that the development will have a material and adverse impact on the landscape which is considered to be vulnerable and sensitive.

7.4.2 Under the Landscape Assessment of the current County Plan, the subject site is located within Area 1 – Kilmashogue Valley. The designation is broad brush and covers a wide geographic area stretching from the M50, to the north, to the Tibbradden Mountain, to the south. The description of this character area clearly distinguishes between the upper and lower valley. The upper valley is located between Tibbradden Lane and Kilmashogue Lane and is described as essentially an upland grazing area that retains its rural feel with planned older hedges retained in the main. With regard to the lower valley it states:

“Further down valley again, the field pattern becomes larger, the development more concentrated and the features of a large urban settlement in the form of pylons and the M50 motorway begin to impinge on the landscape.”

7.4.3 The subject site is located in the lower valley area and in my view would not be considered to be within a particularly sensitive landscape. Whilst it is rural in character, it is within the urban rural fringe. The M50 is clearly visible to the north and there is a large power line traversing the site. The Ballinascorney golf club has irrevocably altered the landscape to the east and to the west, is the R116

Edmondstown Road which is characterised by extensive ribbon development. The development plan identifies a high amenity area to the south. The subject site however, is located a significant distance away from this designated area. The site is not located within one of the five historic landscape character areas identified in the County Development Plan.

7.4.4 It is inevitable that a development of this nature will have some impacts on the landscape character due to the creation of formalised pitches and the changes to existing site levels and topography. I am satisfied, however, that the site is not of such sensitivity that a refusal would be warranted on this basis. It is noted that the landscape impacts of the development will be mitigated by the extensive landscape proposals outlined in the landscape masterplan submitted by the applicant. The majority of existing hedgerows and mature trees around the site's perimeter will be retained and augmented where appropriate with additional planting. Only 10 trees (none of which are of particular value) across the site are to be removed in the interest of sound arboricultural management. These will be replaced by new planting. Furthermore, the front boundary wall will be retained as far as possible save the creation of a new entrance. Planting is proposed along the northern roadside boundary. In this context, the site will be largely screened and the visual impact significantly minimised.

7.4.5 Concerns have been raised by the appellants regarding the design of the proposed clubhouse. I would concur that the design of the building is somewhat functional. It is, however, appropriate to the needs of the club, will not be visually obtrusive and has been designed to sit into the contours of the site. It is a modest building with a split level design with a height ranging from 3.1 metres to 7.6 metres. It will be set back by c. 50 m. metres from the public road and will be largely screened by the existing boundary wall and proposed landscaping measures.

7.4.6 With regard to the floodlighting and netting, I consider these to be ancillary elements to the development. The floodlighting is only proposed to the two front pitches. A detailed lighting assessment has been submitted with the application detailing that a Light Emitting Diodes (LED) system will be utilised. This system is designed to minimise spill light, will be mounted at a tilt and directed to optimise light performance on the playing surface and minimise light spill to adjacent properties. A

condition has been imposed by the Planning Authority that the floodlights should not be used after 10pm in the evening which is considered reasonable.

7.4.7 The existing boundary wall along Tibradden Road is an attractive feature of the landscape. It is, however, not protected and I do not consider that it is located within the curtilage of Tibradden House. It is necessary to realign and reconstruct a portion of the wall to ensure adequate sightlines. A new entrance will also be created. Whilst the concern of the appellants regarding potential impacts on the wall are noted, it is evident that the existing wall is in poor condition. During the site visit, it was observed that a number of the capping stones are missing and it is clear that the wall is in need of repair. The applicant proposes to reinstate the wall. This in my view will be a positive intervention and will ensure that the wall can be restored and repaired appropriately. The precedent decisions referred to by one of the appellants regarding dwellings in the vicinity where permission was refused with reference to removal of the front boundary treatment are not in my view pertinent to the subject application. These applications were refused primarily for reasons relating to rural housing need and in respect of ABP Ref. PL06.228324, this site was on the northern side of Tibradden Road where there is no stone boundary wall.

7.4.8 In conclusion, the subject site is not, in my view, located in a sensitive or vulnerable landscape. It is in the lower Kilmashogue Valley where significant urban development has irrevocably altered the existing landscape character. The development will retain the open character of the lands and visual impacts will be mitigated by appropriate landscape measures. I am satisfied that the development will have no material of adverse visual impact.

7.5 Heritage

7.5.1 It is stated that the development will intrude on the demesne landscape character and amenity of Tibradden House – a protected structure and adversely impact on its setting. Concerns also raised in respect of the impacts on Cloragh House.

7.5.2 Tibradden House and Cloragh House are located approximately c. 0.3 km south and c. 0.2 km south west respectively of the site boundary. Whilst the subject lands may have formed part of the wider agricultural landholding associated with these dwellings at some stage, I do not consider, having regard to the considerable distance from these existing houses, that the site could feasibly be considered to be

within the curtilage of either dwelling. Reference is made to the fact that the site is located within the historic demesne landscape. It is noted, however, that there was no objection to the proposal from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs on conservation or heritage grounds.

7.5.3 The most significant historic feature of the site is the stone boundary wall running along the Tibradden Road. As noted above this is an attractive feature of the site. Whilst the wall will be relocated to facilitate the development, it will largely be retained and restored. With regard to potential impacts in the views and setting of Tibradden House, the subject development is located a significant distance away from the dwelling and is separated from it by extensive agricultural lands. Existing mature trees and hedgerows are retained and augmented minimising any potential visual impacts. It is also noted that no floodlighting is proposed for the southernmost pitch which is closest to Tibradden House further reducing any potential impacts.

7.6 Traffic and Access

7.6.1 A number of objections are raised regarding the proposed development with regard to access and traffic. It is contended that the development will give rise to a traffic hazard due to the excessive traffic it will generate, has inadequate and unsafe access arrangements and has poor accessibility by public transport.

7.6.2 The proposed development will undoubtedly be a car based development. The site has very limited accessibility by public transport, and due to its location, it is unlikely that it will be accessed by cyclists or pedestrians to any extent. Notwithstanding this, it is noted that many other similar facilities in the vicinity have similar characteristics and as previously detailed, the difficulty of locating such new sporting facilities within established suburban areas is acknowledged.

7.6.3 The predicted traffic volumes likely to be associated with the development are set out by the applicant in their application and appeal response. It details that membership of the club is relatively small at just 137 members. Traffic to the development will be primarily outside of peak times with training on weekday evenings and matches at the weekend. The anticipated traffic generation is likely to be low. The maximum traffic generation to the development is predicted to be 75 cars. This reflects a scenario when two pitches are used simultaneously for matches on a Saturday Afternoon and assumes a degree of car sharing. It is considered that

such traffic volumes would have no appreciable impact on the capacity of the local road network. I note that no objection to the potential traffic impacts of the development have been raised by the Transportation Department of Dun Laoghaire Rathdown County Council. The assertions of the appellants regarding the validity of the traffic generation figures are somewhat anecdotal. I consider the traffic generation figures presented in the application to be generally robust, and, as activity will generally be outside of peak traffic times on a road that generally has low traffic volumes, I am satisfied that the development will have no adverse or material impact on the local road network.

7.6.4 With regard to potential conflicts with walkers and cyclists, given the modest increases in traffic levels predicted, I do not concur with the appellants that the development will adversely affect road safety. It is noted that the Council imposed a condition requiring a set back area along the front boundary wall to create a refuge area for pedestrians. This conditions is reasonable and will improve the existing situation where there is an absence of any grass verge.

7.6.5 In terms of the access arrangements, detailed information was provided at Further Information Stage to demonstrate that adequate sightlines could be achieved to the subject site for a distance of 70 metres on either side of the access. It is contended by one of the appellants that the 'Y' sight distance towards the west is substandard as the 70 metre sightline can only be achieved to the centre of the road. It is stated that this is contrary to the DMRB Manual which states that the 'Y' distance shall be measured from a point on the nearer edge of the main road. It is clarified however, by the applicant that as per the guidance set out in DMURS, the sightline to the left can be taken to the centreline of the major road where there is a constraint on overtaking. In this instance, there is solid white line along the centreline of the Tibbradden Road. In this context, the proposed access and associated visibility splay will allow all oncoming traffic to be seen and exiting traffic to do so safely. This is reasonable and I am satisfied that the access is appropriate and will not result in a traffic hazard.

7.7 Ecology and Biodiversity

- 7.7.1 A number of objections in relation to ecology and biodiversity are raised by the appellants. There are concerns that the development will have a negative impact on the biodiversity of adjoining farmlands and will have a negative impact on wildlife and birds and on protected bat species. The Biodiversity Officer of Dun Laoghaire Rathdown County Council indicated no objection with regard to impact on bats or the general biodiversity of the area and the Parks and Landscape Services Section indicated no objection with regard to impact on trees or biodiversity.
- 7.7.2 It is noted that at Further Information Stage a detailed Ecological Impact Assessment and Bat Report was submitted by the applicant. The report details that the subject site is composed of improved agricultural grassland and is a habitat of low biodiversity value. Existing hedgerows along the field boundaries are considered to be of lower significance based on the low species diversity. The site survey indicated some degree of faunal activity and to be of some roost potential for bats.
- 7.7.3 The report outlines that the potential ecological impacts of the development are considered to be low. Whilst there will be some loss of habitat, its importance is low. Some trees will be removed but these are generally within the U category and of poor condition. Stock proof fencing will be erected on the inside of the boundary and, therefore, is unlikely to interfere with the movement of wildlife. In any event, due to the mesh dimensions, the movement of smaller mammals will not be impeded. The mesh sizing and colour of the ball nets will ensure that inadvertent impacts with birds will not occur. The report sets out mitigation measures regarding disturbance of birds' nests during the nesting season and measures to ensure protection of bats.
- 7.7.4 The report states that the proposed floodlighting has been designed in accordance with the recommendations of the bat ecologist. All lighting will be LED and directional cowls will be used to limit light overspill on to trees and hedgerows. With regard to potential bat impacts, the presence of one potential roosting site within the site is identified. The tree concerned is to be retained and remains undisturbed by the development. It is considered that impacts are likely to be seasonal rather than a complete roost and feeding loss. A derogation license will be required from the NPWS in advance of construction. This is standard practice and can be addressed

by way of condition. The installation of additional bat boxes and planting to enhance foraging habitats is also recommended. This is reasonable.

7.7.5 The bat report concludes that the roost is minor and it is anticipated the development will have no direct impact upon the conservation status any bat species. It states *“there will be an increase in ambient light levels immediately surrounding the pitch during the hours that the floodlights operate that will illuminate feeding and roosting areas for bats. There is a minor loss of feeding that will be partially replaced once vegetation establishes around the grounds.”* I am satisfied that given the generally low ecological value and sensitivity of the site that no adverse impacts to the ecology or biodiversity of the area are likely to occur.

7.8 Other Issues

Flooding: Having regard to the Strategic Flood Risk Assessment undertaken as part of the Dun Laoghaire Rathdown County Development Plan 2016-2022, the subject site is not located within a flood zone. Surface water from two of the pitches and the club house roof will discharge via a soakaway which has been designed in accordance with BRE Digest 365 – Soakaway Design. The third pitch will remain a naturally draining green field. The car park area will be constructed of permeable material. I am satisfied that having regard to the design and attenuation measures proposed that the development will not result in surface water flooding.

Foul Drainage: Foul drainage from the development will be relatively low with the daily flow anticipated to be in the region of 30 litres per person. Disposal will be via a packaged effluent treatment system with soil polishing filter and percolation area. Site investigation, trial pits and percolation tests were carried out to determine the suitability of the site for this form of drainage proposal. There is no objection to the proposed foul drainage arrangements from the Environmental Health Officer. I am satisfied that the proposed wastewater infrastructure proposed to serve the development is adequate.

7.9 Appropriate Assessment

7.9.1 A screening report for Appropriate Assessment has been submitted by the applicant. The subject site is not located within or directly adjacent to any Natura 2000 sites. The Kilmashogue Stream is located to the east of the site. It does not, however, abut the proposed development. This stream is a tributary of the River Dodder which

discharges into the River Liffey near Dublin Bay. At present surface water run off percolates through soil or enters the Kilmashogue Stream via surface pathways. SuDs is incorporated into the design of the proposal which will maintain greenfield run off rates. Foul drainage will be treated in a packaged waste water treatment system. There are no objections to the proposal from the Drainage Department or Environmental Health Officer of Dun Laoghaire Rathdown County Council.

7.9.2 There is a pathway from the site via surface and wastewater flows to Dublin Bay via groundwater and the Kilmashogue Stream. The South Dublin Bay and River Tolka Estuary SPA (Site Code 4024) and the South Dublin Bay SAC (Site Code 0210) are found where the rivers Dodder and Liffey meet the sea. The Appropriate Assessment Screening Report concludes that as a modern wastewater treatment system is to be installed in accordance with best practice, no negative effects to groundwater quality are expected to arise from this source. Surface water attenuation measures are designed so that there will be no net change to the quantity or quality of surface water leaving the site.

7.9.3 It is reasonable to conclude that on the basis of the information on the file which I consider adequate in order to issue a screening determination, having regard to the distance to the nearest European site and the design of the proposed development, 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. A Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the area, would not seriously injure the character of the area or the amenities of property in the vicinity including Tibbradden House (a protected structure) or Cloragh House;

would not have unacceptable impacts on ecology, flooding or the landscape; and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 24th day of October 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 clubhouse 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. Prior to the commencement of development on site, the developer shall submit full details of all signage associated with the development both on the proposed clubhouse and at the vehicular entrance for the written approval of the Planning Authority. Any lighting of such signage shall be by means of concealed neon tubing or by rear illumination. No advertising structures or other projecting elements including flagpoles shall be permitted within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

4. Floodlighting shall operate in compliance with the standards identified in the report, submitted to the planning authority on the 24th day of October 2017. The lighting shall only be in operation during periods when the pitches are in use and in any event the lighting shall be switched off during the period 2200 hours to 0700 hours.

Reason: In the interest of clarity, amenity and proper planning and sustainable development.

5. Public lighting to the car park shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenities and public safety.

6. Retractable protective netting to be erected at the western end of the pitches shall be retracted when the relevant pitches are not in use.

Reason: In the interests of visual amenity.

7. 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

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

8. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

9. 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. These shall include that all surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.

Reason: In the interest of public health and to ensure a proper standard of development.

10. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 20th day of December 2016 as amended by the further plans and particulars submitted on the 24th day of October 2017, and must conform in accordance with the requirements of the EPA Wastewater Treatment Manual "Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" published by the Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and are working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

11. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

12. The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works. All car and bus parking shall be of permeable surfacing. No parking of vehicles shall take place on the public road.

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

13. The proposed pedestrian refuge along Tibbradden Road, where provided, shall be a soft/grass 2 metre wide verge.

Reason: In the interest of traffic and pedestrian safety.

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

Reason: In the interest of public health and to ensure the provision of adequate refuse storage.

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological

materials or features which may exist within the site. In this regard, the developer shall:

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

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of any archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees to be retained shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

17. The landscaping scheme submitted to the planning authority on the 24th day of October 2017 shall be carried out within the first planting season following substantial completion of external construction works. 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.

Reason: In the interest of visual amenity.

18. All mitigation measures relating to biodiversity as outlined in the Ecological Impact Assessment Report shall be implemented

Reason: In the interests of the proper planning and sustainable development of the area.

19. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of

development. These measures shall be implemented as part of the development. Any envisaged disruption/removal of trees that support bat populations shall be carried out only under license from the National Parks and Wildlife Service and details of any such license shall be submitted to the planning authority.

Reason: In the interest of wildlife protection

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees and hedgerows on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees/hedgerows on the site or the replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees and hedgerows on the site.

21. Prior to commencement of development, the developer shall provide for the appointment of a conservation expert, who shall manage, monitor and implement works on the site relating to the reconstruction of the boundary wall along Tibbradden Road and ensure adequate protection of the fabric of the wall during those works.

Reason: To ensure that the integrity of the historic wall is maintained and that the structure is protected from unnecessary damage or loss of fabric.

Erika Casey
Senior Planning Inspector

30th April 2018