



An
Bord
Pleanála

Inspector's Report ABP-300565-18

Development	Construction of dwelling and all associated site works.
Location	Lettercollum, Timoleague, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/406
Applicant(s)	Hazel McLoughlin
Type of Application	Permission
Planning Authority Decision	Grant, subject to 19 conditions
Type of Appeal	Third party -v- Decision
Appellant(s)	Werner & Barbara Seifert
Observer(s)	None
Date of Site Inspection	22 nd March 2018
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 1.3 km to the west of the centre of the village of Timoleague and to the north of the R600, which runs between this village and Clonakilty. This site is situated within rolling countryside and towards the top of a south facing slope. It lies within the vicinity of Lettercollum House and a courtyard, to the rear of this House, comprising stables that have been converted for residential use. Access is from the aforementioned regional road, via a lane, which serves two detached dwelling houses and the said courtyard. (Lettercollum House is accessed by means of a separate treelined avenue to the east).
- 1.2. The site itself is of regular shape and it extends over an area of 0.17 hectares. This site is presently a small field, which is subject to gradients that fall in a south/south easterly direction. Its boundaries are denoted by a variety of treatments, i.e. timber post and wire fencing, mounds, gorse bushes, and a mixture of deciduous and coniferous trees. The site is vacant and unused at present.

2.0 Proposed Development

- 2.1. The proposal would entail the siting of a three-bedroomed bungalow with a floorspace of 98 sqm largely within the north westerly quadrant of the site. This bungalow would be of rectangular form under a shallow mono-pitched roof. Its principal elevation would be south facing and this elevation and the two side elevations would be clad in timber.
- 2.2. The dwelling house would be accessed via a new entrance way from the lane, which passes to the east. This dwelling house would be served by a bored well, which would be sited in the north-western corner of the site, and a proprietary treatment unit and a soil filtration system, which would be sited in the south-western quadrant of the site. It would be accompanied by tree planting throughout the northern portion of the site.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted subject to 19 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Under further information and clarification of this information, alternative sites within the ownership of the applicant's parents were, amongst other things, discussed.

3.2.2. Other Technical Reports:

- Area Engineer: Following receipt of clarification of further information, no objection, subject to conditions.
- Conservation Officer: No Objection: While the proposed larch wood cladding would normally not be supported, given the site's parkland environment, such cladding would be appropriate.

4.0 Planning History

No planning history pertains to the site itself.

An adjacent site to the south-east was the subject of 06/906 for a dwelling house, which was refused.

5.0 Policy Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020, the site is shown as lying within the Rural Housing Policy Area Type known as Tourism and Rural Diversification Area, within which the provisions of Objective RCI 4-3 are applicable to proposals for new dwelling houses. It is also shown as lying within the Landscape Character Type 3 "Indented Estuarine Coastline", wherein the value, sensitivity, and

importance of the landscape are deemed to be very high, very high, and National, respectively. The R600 is identified as a scenic route and Lettercollum House is a protected structure.

5.2. **Natural Heritage Designations**

Courtmacsherry Estuary SAC and pNHA (both site codes 001230)

Courtmacsherry Estuary SPA (site code 004219)

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Applicant's qualification to build:

- Under Policy RCI 4-3 of the CDP, the applicant must demonstrate a local housing need. In this respect, as she works in a family business in Clonakilty some 11.4 km away, her place of employment does not, in the first instance, serve the local community.
- Attention is drawn to the fact that the two apartments in the converted stable block, rented out by the applicant, have an area of over 200 sqm and so they would, if combined, provide ample space for a family dwelling. In 2011, the appellants purchased the right wing of this stable block. The question is posed as to at what point over development of the landholding would be deemed to have occurred.
- Under permitted application 04/4351, the construction of a new vehicular entrance and access road was authorised for the purpose of serving 4 dwellings. Already this road serves 5 dwellings and, under the current proposal, this would lead to 6. The description of the current proposal should have signalled this increase. The road itself is in a poor state of repair with adverse implications for the safe use of the entrance to it from the R600.

Justification of the site:

- Attention is drawn to the refusal of application 06/906 for a dwelling on a site to the south east of the existing one, on the grounds that it was

elevated/exposed/screening would take too long to become established and it would seriously injure the setting of Lettercollum House, a protected structure. (An alternative lower site was subsequently the subject of permitted application 08/41). That a more elevated site should now have received permission for a comparable development is incomprehensible.

- Attention is also drawn to a letter of objection made by the applicant's parents to 06/906, on the grounds that the proposed dwelling would detract from the setting of the renovated historical stable block. The same grounds could be cited in relation to the current proposal.

Alternative sites:

- Attention is drawn to alternative site C to the rear of the converted stables. While in a more elevated position, this site is relatively level and it is screened by these stables and so its development would not be visible from the R600. The applicant's claims that site C is landlocked and wooded are contested. Thus, this site could be developed in a manner that would overcome the critique of the current application site.

The exposed and elevated nature of the site:

- The proposal would risk the establishment of an adverse precedent. If it is granted, when 06/906 was refused, then it would suggest that the planning system is less effective than heretofore.

External appearance of the proposed structure:

- Attention is drawn to the difference of opinion between the Case Planner and the Conservation Officer on finishing materials. The imperative is one of seeking to disguise the presence of the proposal within the landscape.

6.2. Applicant Response

- The applicant, her partner, and their two children reside with her parents in their dwelling within the converted stable block. The applicant has resided on her parents' landholding since her childhood and her family of origin has a fruit and vegetable garden on their landholding, which serves their business,

The Lettercollum Kitchen Project. Accordingly, under criteria (a), (d), and (e) of Objective RCI 4-3 of the CDP, she is a candidate for a dwelling on the site.

- The applicant's parents have offered the subject site to the applicant rather than space within the converted stable block.
- The applicant's family and another owner/user of the lane are seeking grant aid to fund its repair.
- Application 06/906 is not considered to be comparable to the current proposal insofar as there were other sites available to the applicant.
- Alternative Site C contrasts with the subject site as it adjoins the walled garden to the rear of the converted stable block, whereas the subject site is self-contained with independent access and electrical supply from the lane. Furthermore, Site C has been planted as a sustainable woodland and an existing building on this site is remotely sited and without sanitary facilities.
- The proposed dwelling would be modest in size, simple in form, and clad in timber in a contemporary manner. Precedent for a timber building is afforded by a recording studio sited to the rear of Lettercollum House.
- Site works, in terms of cut and fill, would be limited by the narrow depth of the proposed dwelling and existing trees would contribute to its screening.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural housing policy,
- (ii) Alternative sites,
- (iii) Landscaping, siting, and design,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) AA.

(i) Rural housing policy

7.2. Under the CDP, the site is shown as lying within the Rural Housing Policy Area Type (RHPAT) RCI 4-3: Tourism and Rural Diversification Area. Under this RHPAT, applicants must demonstrate that they have a rural generated housing need. To this end seven criteria are set out as an expression of such need and applicants must exhibit at least one of these to be a candidate for a dwelling house.

7.3. The applicant has submitted a letter and a completed supplementary planning application form, in which she states that she qualifies as a candidate for a rural dwelling house on the subject site under criteria (a), (d), and (e). These criteria are as follows:

(a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.

(d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

(e) Persons whose predominant occupation is farming/natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

7.4. The applicant indicates that her parents run a shop, "The Lettercollum Kitchen Project" in Clonakilty, which is supplied by vegetables grown in the walled garden to

the rear of the converted stables in the vicinity of the subject site. She works in this shop and garden and describes her occupation as a vegetable grower and food production assistant. For the purpose of categorisation, the applicant states that she is not personally engaged in agriculture but that she is working full-time in “farming, forestry, inland waterway, marine related occupations.”

- 7.5. I note that there are some tensions in the foregoing information. I note, too, that these can be relieved to a degree by reference to the definition of agriculture, under Section 2(1) of the Planning and Development Act, 2000 – 2017, which includes horticulture within its scope.
- 7.6. The applicant has not commented on whether or not her parents are farmers. While their involvement in horticulture could be inferred from the information furnished, I consider that for the purpose of criterion (a) an explicit statement is necessary.
- 7.7. The applicant’s occupation can reasonably be described as farming/natural resource related. However, she has not stated how long she has been involved in the family business. Accordingly, whether or not this period exceeds three years has not been made explicit. The appellant questions whether or not the shop in Clonakilty can be considered to be in the local rural area. Clearly, Clonakilty is an urban area. Nevertheless, insofar as the applicant has described her work as being between the shop and the aforementioned garden, at least part of it is in the local rural area and the remainder is at least partially based on the same. Even so, in the absence of detailed information on the duration of her occupation, I consider that demonstrable compliance with criterion (e) remains outstanding.
- 7.8. The applicant states that she has always resided at Lettercollum. By way of supporting information, she lists the local schools that she attended and the corresponding periods of time. The appellant has not challenged this information. She also states that she has neither owned, obtained planning permission for, nor built a dwelling house hitherto. Accordingly, I consider that she qualifies as a candidate for a rural dwelling house under criterion (d).
- 7.9. I conclude that the applicant qualifies as a candidate for a rural dwelling house on the subject site due to her compliance with criterion (d) of Objective RCI 4-3 of the CDP.

(ii) Alternative sites

- 7.10. At the further information and clarification of further information stages the applicant addressed the question of alternative sites within her parents' landholding and the possibility that accommodation available in the converted stable block could be allocated for her use.
- 7.11. Two alternative sites were identified, i.e. Site B to the east of the subject site and on the far side of the lane from it, and Site C to the rear of the walled garden, which in turn is to the rear of the converted stable block. The first of these sites is an open field at present. It adjoins a site to the south that was previously refused permission under 06/906. As the development of this site would affect the setting of the adjacent protected structure, Lettercollum House, immediately to the north-east, it was discounted. The second of these sites is in a more elevated position than the subject site and it has been planted as a sustainable woodland. Access to this site is by means of a rough track and its servicing, for the purpose of electricity, would be more involved and costly than that of the subject site. It would also lack the southerly aspect of this site, which would facilitate solar gain. The applicant, thus, discounts this one, too.
- 7.12. The appellant draws attention to the fact that, while Site C is more elevated, it lies on a plateau to the rear of the converted stables and the walled garden and so any development on this site would be screened and hence it would be less visible than the equivalent development on the subject site.
- 7.13. I note the applicant's case for discounting Site C and I note, too, the observations of the appellant. In my view, the factors involved in assessing whether or not to effectively insist upon the selection of Site C hinge on the application of the CDP's Objectives RCI 6-1 and GI 7-3 to the current proposal. I will pursue these matters under the third heading of my assessment.
- 7.14. The appellant also draws attention to the fact that the converted stables contain two apartments that are under the control of the applicant's parents. If these two apartments were to be amalgamated, then a family size dwelling would be available. The applicant has responded by stating that these apartments are rented out and that her parents have not offered to make them available to her. Accordingly, they do not arise as considerations in the assessment of her current proposal.

7.15. I note that Objective RCI 8-1 addresses the refurbishment of derelict dwellings and that it specifically states that the requirement to establish that future occupiers have a rural generated housing need does not arise in these cases. I note, too, that, whereas the said apartments have been formed by converting stables in the courtyard to the rear of Lettercollum House, such conversion was analogous to the refurbishment of derelict dwellings. A case could, therefore, be made for, in these circumstances, adopting a similar approach which would thus lend support to the applicant's aforementioned contention.

7.16. I conclude that the appropriateness of the selection of the subject site, rather than the alternative site denoted as Site C, hinges on an assessment of the landscaping, siting, and design of the current proposal.

(iii) Landscaping, siting, and design,

7.17. Under the Cork County Draft Landscape Strategy, the site is shown as lying within the landscape character type known as Indented Estuarine Coast. This Strategy recognises that rural dwelling houses can be prominent within this landscape character type. The advice of the Cork Rural Design Guide with respect to siting especially is emphasised in this respect. Objective RCI 6-1 of the CDP, likewise, emphasises the importance of a good fit within the landscape and the role of landscaping in this respect.

7.18. The R600 in the vicinity of the site is identified as a scenic route and so, under Objective GI 7-3 of the CDP, views of vulnerable landscape features from this route must not be obstructed or degraded by new development.

7.19. The site is located towards the top of a south facing slope. This site is within the vicinity of existing buildings, the most prominent of which is Lettercollum House. It is enclosed to a significant degree by existing trees and so it contrasts with adjoin and adjacent fields, which are more open in character. Views of the site from the R600 are limited, due to a combination of embankments and hedgerows that accompany this regional road and the initial section of the lane to the site.

7.20. The proposed dwelling house would be sited largely within the north-western quadrant of the site. As the site slopes downwards to the south, cut and fill earthworks would be undertaken to form a level area upon which to construct this dwelling house, which would be orientated on a north/south axis. It would be of low

rise single storey form with a shallow mono-pitched roof and timber cladding to its exposed elevations. Existing trees to the southern boundary and south-western corner would be retained, as would trees across the northern portion of the site.

- 7.21. The appellants express concern over the elevated siting of the proposed dwelling house and its proposed timber finish. The applicant has responded by drawing attention to the modest size, simple form, and timber cladding of this dwelling house, and to the precedent for the use of timber that is established by the appellants' recording studio, which is sited in a position adjacent to the rear elevation of Lettercollum House.
- 7.22. I consider that the siting, size, and design of the proposed dwelling house within the context of the trees proposed for retention would ensure that its visibility is limited and screening is available from the outset.
- 7.23. I conclude that, given the limited visibility of the proposed dwelling house and the significant screening that would be afforded by existing trees, this dwelling house would be capable of being accommodated in a visually satisfactory manner within the landscape and so, in these circumstances, I do not consider that it should be re-sited on alternative Site C.

(iv) Traffic, access, and parking

- 7.24. The proposal would generate a modest level of traffic movements along the lane, which passes the site and which is accessed to the south off the R600. The appellants draw attention to the permitted application 04/4351 for this lane and to the accompanying description, which referred to the access that it would afford to four dwellings. They state that this number has already been exceeded by one and that the proposal would increase this to two. They also state that the description of the current proposal should have made this increase explicit.
- 7.25. During my site visit, I observed that the lane consists essentially of two straight sections, i.e. an east/west one that parallels the R600 and a north/south one that rises upwards in a northerly direction. Forward visibility along these sections is good. The surface of the lane is, for the most part, unsealed with some pot holes evident in the initial section. The more northerly steeper stretch of the subsequent section has a sealed surface, where it passes the site.

- 7.26. During my site visit, I also observed that within the vicinity of the junction between the said lane and the R600, the regional road is relatively narrow and its vertical and horizontal alignment vary slightly. Consequently, forward visibility is affected and so a continuous white centre line has been laid. This road is the subject of an 80 kmph speed limit and so sightlines at the said junction should have a y dimension of 120m. I estimate that, with the proper maintenance of vegetation along the accompanying roadside verges, reasonable visibility is available to drivers exiting the lane.
- 7.27. In the light of the foregoing paragraphs, I consider that the junction and lane in question would afford a satisfactory means of access to the site and that they would be capable of accommodating the likely level of traffic generated by the proposal. I do not consider that it is necessary for the applicant to state explicitly in the description of the proposal that the lane would be the subject of increased usage, as this is implicit in the proposal itself.
- 7.28. The proposed entrance way to the site and on-site car parking and turning facilities would be satisfactory.
- 7.29. I conclude that the traffic likely to be generated by the proposal would be capable of being accommodated on the lane to the site and that the junction between this lane and the R600 would be capable of being operated in a satisfactory manner. The proposed site entrance and on-site parking and turning facilities would be appropriate.

(v) Water

- 7.30. The proposed dwelling house would be supplied by water from a bore well, which would be sunk in the north-western corner of the site. While no test results have been submitted concerning this proposed water supply, the presence of other dwelling houses in the vicinity of the site is of some reassurance. This outstanding matter could be the subject of a standard condition.
- 7.31. Foul water would be handled by means of packaged waste water treatment system and polishing filter, which would be sited down slope of the proposed bore well in the south-western quadrant of the site. The applicant has undertaken a site characterisation exercise, which concludes that the said specification of system would be appropriate to the ground conditions underneath the site.

- 7.32. Surface water would drain to a soakaway. Details in this respect have not been submitted. However, they could be the subject of a standard condition.
- 7.33. With respect to coastal and fluvial flood risk, the site is shown in neither the OPW's flood maps or the relevant CRAM PFRA (Figure No. 2019/MAP/17/A) as being at risk of these types, or any other types, of flooding.
- 7.34. I conclude that the proposed water supply and drainage arrangements for the site would appear to be satisfactory.

(vi) AA

- 7.35. The site lies neither in nor beside a Natura 2000 site. Two such sites do, however, lie nearby, i.e. Courtmacsherry Estuary SAC and SPA, which lie 805m away. With respect to the former site, I have not been able to identify a source/pathway/receptor route between the site and the said SAC. With respect to the latter site, the bird species of interest are not ones that typically frequent a semi-woodland area such as the site. Accordingly, I consider that the proposal would raise no Appropriate Assessment issues.
- 7.36. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That the application be permitted.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020 and the County Cork Draft Landscape Strategy 2007, it is considered that the applicant is a candidate for a rural dwelling house on the site and that, subject to conditions, the proposed dwelling house on the selected site would be compatible with the visual amenities of the area. Furthermore, this dwelling house would be capable of being satisfactorily accessed and serviced. No Appropriate Assessment issues would

arise. The proposal would thus accord 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 13th day of October 2017 and the 16th day of November 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 dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority with the application and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, 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 is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

5. (a) 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 adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

6. The landscaping scheme shown on the landscaping plan, as submitted to the planning authority on the 13th 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 residential and visual amenity.

7. (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) 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.

8. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. (a) The natural stone entrance walls shown on the landscaping plan, as submitted to the planning authority on the 13th day of October 2017, shall be no more than 1m in height.

(b) The gradient of the access driveway shall not exceed 3% for the first seven metres adjacent to the carriageway of the public road.

Reason: In the interest of traffic safety.

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

Reason: In the interest of residential amenity.

11. The developer shall pay to the planning authority a financial contribution of €1,104 (one thousand one hundred and four 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.

12. 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 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 on the site or the replacement of any such trees 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 on the site.

Hugh D. Morrison
Planning Inspector

23rd April 2018