



An
Bord
Pleanála

Inspector's Report ABP 300628-18

Development	4 houses, new entrance and ancillary site works.
Location	Westfield House, North Circular Road, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	17/1020
Applicant	The Estate of Nancy O'Brien
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. grant
Appellants	1. Tom O'Mahoney 2. Robert Richardson 3. Westfield Park Residents Association
Observer(s)	None
Date of Site Inspection	28/03/18
Inspector	Pauline Fitzpatrick

Note: This constitutes the 2nd appeal for 4 no. houses on the subject site. History file PL91.246388 refers.

1.0 Site Location and Description

The appeal site with a stated area of 0.19 ha., is located to the west of Limerick city centre and north of the River Shannon and Westfields Wetlands on the southern side of the North Circular Road. It is located to the rear of Westfield House which is a detached, two storey dwelling accessed from the North Circular Road. It is not listed as a protected structure. The site also runs to the rear of the rear gardens of Nos. 27 and 28 North Circular Road and is visible from same.

The site slopes down from north to south and has been cleared of vegetation. It is bounded by fencing and trees to the long rear garden of No. 25 North Circular Road adjoining. A line of mature trees delineates the rear boundary to Westfield Marsh to the south. It is bounded to the west by Westfield Park which is a mature residential estate of two storey semi-detached dwellings with the shared boundary delineated by a block wall. Access to the site is available via the said boundary.

2.0 Proposed Development

Permission is sought for the construction of 4 no. two storey semi-detached houses with a new entrance from Westfield Park and connection to public services. The application was accompanied by the following:

- Natura Impact Statement
- Report on Japanese Knotweed Infestation.
- Bat Survey Report
- Flood Report
- Foul Sewer Calculations, Stormwater Storage Calculations, Extreme Rainfall Return Periods from Met Eireann for Limerick City
- Letter from the Executor of the Estate of Nancy O'Brien consenting to the application by James Dundon to apply for planning permission.

- Letter of consent from Limerick City and Council to the inclusion of land within its ownership in the application.
- Certificate under Section 97 Planning & Development Act certifying that the provisions of Section 96 of the Planning & Development Acts 2000 – 2014 do not apply to this site.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 31 conditions. Of note:

Condition 4: No work to commence until it has been satisfactorily demonstrated that Japanese Knotweed has been eradicated on the site.

Condition 5: Mitigation measures set out in NIS, Flood Report. Bat Survey Report and Invasive Species – Japanese Knotweed Infestation Report, to be implemented in full.

Condition 6: Hard and soft landscaping scheme including mitigation proposals to protect adjoining wetland habitat to be submitted prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report notes that the design approach reflects elements of the adjoining dwellings and, accordingly, the design and layout is considered acceptable. The conclusions of the flooding report are noted and the planning authority is satisfied that the development as proposed is appropriate on the site. The southern portion of the site on which the proposed access road, carparking and open space are to be located, is within the Lower Shannon SAC. Having regard to the site zoning, the design and layout of the scheme, the proposals to address Japanese Knotweed on the site and the mitigation measures to prevent pathways to the SAC

and to ensure protection of habitats for Bats, the development is considered acceptable subject to conditions.

3.2.2. Other Technical Reports

The Fire Officer states that the houses shall comply with the Building Regulations.

Environmental Services recommend the submission of a site specific waste management plan.

3.3. Prescribed Bodies

Irish Water has no objection subject to conditions.

3.4. Third Party Observations

Objections to the proposed development received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd Party appeals summarised in section 6 below.

4.0 Planning History

PL91.246388 (15/176) – permission refused in September 2016 for a comparable development on the site for the following reason:

On the basis of the information provided with the application and the appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (Site Code 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077), in view of the conservation objectives for those sites. In such circumstances, the Board is precluded from giving further consideration to a grant of planning permission.

5.0 Policy Context

5.1. Development Plan

Limerick City Development Plan 2010 – 2016. The majority of the site is zoned **ZO.2 (A) Residential** where the objective is to *provide for residential development and associated uses*. A smaller section of the site is zoned **6A Public open Space** where the objective is *to retain all land dedicated for public open space*. Policies relevant to this appeal are set out as follows:

Policy H.4 - It is the policy of Limerick City Council to have regard to the policies and objectives of the following Strategies and Plans:

- Sustainable Residential Development in Urban Areas (DEHLG 2008)
- Urban Design Manual – A Best Practice Guide (DEHLG 2008)
- Quality Housing for Sustainable Communities (DEHLG 2007)

Policy H.5 - It is the policy of Limerick City Council to promote increased density where appropriate to do so, having regard to the existing or proposed public transport provision and proximity to the City Centre.

Policy H.6 - It is the policy of Limerick City Council to ensure a balance between the reasonable protection of existing residential amenities, the established character of the area, and the need to provide for sustainable residential development.

5.2. Natural Heritage Designations

The southern part of the site is within the Lower River Shannon SAC.

6.0 The Appeal

6.1. Grounds of Appeal

3 no. 3rd Party appeals refer:

1. Robert Richardson
2. Westfield Park Residents Association

3. Tom O'Mahony

The grounds of appeal can be summarised as follows:

Access and Parking

- The area cannot accommodate the additional traffic generated.
- There is inadequate parking for visitors and residents
- Service vehicles will not be able to access the area due to the proposed development.
- There will be no turning circle in Westfield Park for emergency vehicles.
- Impact on access to No.36 and potential for hazard.
- The purpose of the 2nd opening to the open space is queried. It is queried whether the consent of the local authority has been secured to facilitate such works.

Residential Amenities

- The density and design of the dwelling units would be out of character with the area.
- New residents and associated visitors will give rise to additional noise which will be a nuisance.
- The amenity and privacy of adjoining property would be adversely impacted on.
- The rear garden of Westfield House will be compromised by the development and will not comply with minimum requirements for rear gardens.
- Tree removal will allow for an increase in noise levels from the docks.
- It will have an adverse impact on the open space within the Westfield estate

Site Services

- The new dwellings will put pressure on existing drains. There have been issues in the past. There will be overdue pressure on the existing sewer system.
- This site is part of a flood plain

Impact on Conservation Area

- The adequacy of the NIS is queried.
- The existing bird sanctuary and conservation area and established fauna and wildlife habitat will be adversely affected.
- The development would contravene the conservation objectives of the SAC.
- It would be contrary to the initiatives of the Wild Atlantic Way.
- The responsibility for the removal of Japanese Knotwood and monitoring thereafter is queried.
- No mention has been made of Hogweed.
- The handing over of public land by the local authority, especially land within the Special Area of Conservation to facilitate this development, is direct contravention of Limerick City Biodiversity Plan.
- The landfill required has not been taken into account in the NIS

Legal and Procedural Issues

- The proposed entrance to the development will require the removal of an existing public green area to facilitate the entrance and exit to and from the site.
- The application has not been made by a person within the statutory meaning. The application is invalid.

6.2. Applicant Response

Received outside statutory period.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Section 131 Responses

The appeal was circulated to certain prescribed bodies on the basis that the site is located within the nature conservation site Fergus Estuary and Inner Shannon North Shore and the Lower River Shannon SAC (002165).

No responses were received.

7.0 Assessment

The proposed development subject of the appeal is the 2nd that has come before the Board seeking permission for 4 no. semi-detached houses with access off Westfield Park. The site layout, house design and access arrangements are the same as those set out in the earlier application under ref. PL91.246388 and adjudicated by the Board. In the intervening period the Japanese Knotwood on the site has been cut.

The issues arising in this instance are comparable to those set out in the previous Inspector's report. As the case is before the Board de novo I propose to assess the issues arising under the following headings:

1. Policy Considerations
2. Access and Traffic
3. Flooding
4. Ecology
5. Appropriate Assessment
6. Legal and Procedural Issues

7.1. Policy Considerations

There have been no substantive changes to the policy context since the previous appeal. The Limerick City Development 2010 – 2016, as extended, refers. The site straddles two different land use zoning objectives. The bulk of the site to the north is subject to zoning objective ZO.2 (A) Residential, where the objective is to provide for residential development and associated uses. It is within these lands that the

proposed 4 no dwelling units together with the access road and parking is proposed and is considered to be acceptable in principle.

The remaining smaller portion of the appeal site to the south is subject to Zoning Objective 6A Public open Space where the objective is to retain all land dedicated for public open space. It is within these lands that a small area of open space ancillary to the main residential use is proposed together with a portion of the access road from the adjoining estate. Whilst there is a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates, I would concur with the Inspector's assessment on the previous appeal that there is an unusual overlap between the boundary of the site and the rigid line imposed by the Land Use Zoning Map in this case particularly in relation to the public open space. It is my view that to strictly impose this objective relative to the small area in question would fail to serve the wider objective of promoting increased residential density in urban areas where appropriate to do so. I therefore submit that the principle of the proposed open space and a section of the proposed access road within this designated public open space area is an acceptable land use.

As noted above the layout, scale and design of the proposed dwellings is the same as that previously before the Board. The development would assist in providing for additional residential development on suitably zoned and serviced lands. I consider that the proposed units provide for an acceptable standard of development whilst maintaining appropriate private open space to Westfield House. I would concur with the Inspector in her assessment of the previous appeal that the development in its architectural treatment, orientation and proximity to adjoining properties strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings in terms of overlooking and overshadowing. Further I am satisfied that the overall building form and layout responds to its site and context and will not detract from the visual amenities of the area. I therefore consider that the proposal complies with the provisions of the current City Development Plan as set out in Policies H.4 to H.6.

As noted by the Inspector in her assessment on the previous appeal the construction phase will inevitably give rise to potential temporary nuisance in terms of noise and traffic. I concur that matters of particular concern can be dealt with by way of

condition. Accordingly it is recommended that should the Board be minded to grant permission that a Construction Management Plan condition be attached requiring the details to be agreed prior to commencement of work on site.

7.2. Access and Traffic

Access to the scheme is proposed via a new entrance from Westfield Park to the west comprising an access road and associated footpath. Each dwelling is to provide for 2 no. off street parking spaces with a further 4 no. spaces adjoining the open space to the south. This provision accords with the parking requirements for Parking Zone 3 as set out in Map 6 and Table 16.1 of the City Development Plan and is considered acceptable.

I consider that the vehicular movements arising from the 4 no. dwellings can be accommodated within the existing Westfield Park estate roads without giving rise to concerns in terms of capacity of the road network or vehicular or pedestrian safety and would not give rise to conflicting movements with No.36 Westfield Park immediately adjoining.

I note a second 5 metre wide opening delineated on the site plan to the proposed open space, thereby facilitating connectivity between same and the open space in Westfield Park to the west. I have no objection to same.

7.3. Flooding

A Flood Report dated December 2014 accompanies the current application. As extrapolated from the details in the Inspector's report on the previous appeal this report was not on the said file for consideration.

As per Map 2 Flood Risk Areas in the current City Development Plan the southern most tip of the site, only, is within Flood Zone A. As extrapolated from the details available from the draft CFRAM flood extent maps (OPW website) the area immediately south the proposed dwellings is within 1:1000 coastal flooding on the River Shannon at circa 5.17OD with the southern most portion of the site within the 1:200 chance of flooding in any given year at circa 4.71OD.

The proposed houses are outside the flood zone and are to have finished floor levels of 5.8OD which is above the said flood level. The proposed access road way, visitor car parking and open space are all within the identified flood zone but are to have finished levels of between 5 OD and 5.25 OD with the car park shown at 4.8OD all of which are above the respective flood level.

I note that a separate storm water system which will include a petrol interceptor and attenuation area fitted with a flow control device for a discharge rate of 0.001m³/sec is proposed to collect rainwater runoff from roofs and hardstandings is proposed.

Having regard to the information available on file I am satisfied that the potential impacts of the proposed development in terms of flooding have been established and that the type of development proposed is appropriate. I do not consider that the proposed development would exacerbate the risk of flooding in the area.

7.4. Ecology

Subsequent to the previous appeal and the concerns expressed with regard to the absence of detail on bats a Bat Survey prepared by JBA Consulting dated July, 2017 which is supplemented by a Preliminary Bat Survey – Winter Assessment dated 2017 accompanies the application. Two bats species Common Pipistrelle and Soprano Pipistrelle were recorded foraging and commuting within the survey area. There was no evidence of bat roosting within the buildings, walls or trees. One tree was deemed suitable as potential bat roost. It is considered to be a C-value tree due to heavy ivy growth. The treelines and hedgerows are connected to the wetlands area to the south which would facilitate an array of bat species to commute through the landscape and to forage on site. However it is noted to be a small site in a built up residential area.

The predicted impacts include the loss of foraging and commuting habitat through the removal of hedgerows and trees, reduction in connectivity between foraging, commuting and roosting habitats by removal of same, increase in house and human activity and semi-permanent and permanent increase in lighting which could reduce the suitability of habitats present.

Mitigation measures proposed recommend the retention of the trees along the boundary with the wetland, creation of a dark woodland buffer zone adjacent to the

wetland, felling of C-value tree in an appropriate manner to prevent any bats being harmed, landscaping plan that would provide foraging habitat and appropriate lighting.

I consider that sufficient detail has been provided to support the assertion that proposed development will not have a significant impact on local bat populations.

Whilst the site immediately adjoins the Westfields Wetlands a band of mature trees separates the site from same with residential development bounding the site to the west and north. Rear gardens of houses fronting onto North Circular Road bound the site to the east. Taking into consideration this existing pattern of development, the fact that no part of the said wetland will be impacted upon and the zoning provisions for the site, I submit that the development of the site for residential purposes would not contravene the policies of the Limerick City Biodiversity Plan.

7.5. Appropriate Assessment

The Board's reason for refusal on the previous appeal on the site related to appropriate assessment. In response, the current application is accompanied by a NIS.

The southern portion of the appeal site (proposed access road, car parking and open space) is within the Lower Shannon SAC (002165). To the south west lies the River Shannon and River Fergus Estuaries SPA which overlaps the Lower River Shannon SAC).

Description of the Project and Site Characteristics

The lands of the proposed development and project are as described in sections 1 and 2 above. I note that two accesses are proposed from Westfield Park into the site. The 2nd allows connectivity between the proposed open space area and that within the existing estate. As noted by an appellant this access is not delineated on the plans within the NIS. I do not consider that the omission is material in the context of the development and the assessment therein.

Stage 1 – Screening

Section 4 of the NIS identifies the sites within a 15km radius of the proposed development. There are two identified, namely the Lower River Shannon SAC (site

code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077). The qualifying interests for the sites are set out in sections 4.2 and 4.3. In summary:

Lower River Shannon SAC (site code 002165). The southern section of the site is within the SAC. Significant direct and indirect effects arising from habitat loss, habitat degradation from the spread of invasive plant species and effects on the existing water quality during the construction and operational phases cannot be ruled out.

River Shannon and River Fergus Estuaries SPA (site code 004077) is to the south of both the Westfields Wetlands and R527/Condell Road. In view of the proximity of the sites indirect effects arising from bird species using the site cannot be ruled out.

Stage 1 – Screening Conclusion

It is reasonable to conclude, on the basis of the information on the file, which I considered to be adequate in order to issue a screening determination potential for significant direct and indirect effects on the qualifying interests of the Lower River Shannon SAC (site code 002165) as detailed above cannot be screened out. Potential for significant indirect effects on the qualifying interests of the River Shannon and River Fergus Estuaries SPA (site code 004077) cannot be screened out. Accordingly a Stage 2 Appropriate Assessment is required to determine the potential of the proposed development to adversely affect the integrity of the said designated sites.

Appropriate Assessment

The Appropriate Assessment concerns the said Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077).

The qualifying interests for the Lower River Shannon SAC (site code 002165) are as follows:

Sandbanks which are slightly covered by sea water all the time, Estuaries, Mudflats and sandflats not covered by seawater at low tide, Coastal lagoons, Large shallow inlets and bays, Reefs, Perennial vegetation of stony banks, Vegetated sea cliffs of the Atlantic and Baltic coasts, Salicornia and other annuals colonising mud and

sand, Atlantic salt meadows, Mediterranean salt meadows, Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation, *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, Freshwater Pearl Mussel, Sea Lamprey, Brook Lamprey, River Lamprey, Salmon, Common Bottlenose Dolphin, Otter

The qualifying interests for the River Shannon and River Fergus Estuaries SPA are as follows:

Cormorant *Phalacrocorax carbo* breeding + wintering, Whooper Swan *Cygnus cygnus* wintering, Light-bellied Brent Goose *Branta bernicla hrota* wintering, Shelduck *Tadorna tadorna* wintering, Wigeon *Anas penelope* wintering, Teal *Anas crecca* wintering, Pintail *Anas acuta* wintering, Shoveler *Anas clypeata* wintering, Scaup *Aythya marila* wintering, Ringed Plover *Charadrius hiaticula* wintering, Golden Plover *Pluvialis apricaria* wintering, Grey Plover *Pluvialis squatarola* wintering, Lapwing *Vanellus vanellus* wintering, Knot *Calidris canutus* wintering, Dunlin *Calidris alpina* wintering, Black-tailed Godwit *Limosa limosa* wintering, Bar-tailed Godwit *Limosa lapponica* wintering, Curlew *Numenius arquata* wintering, Redshank *Tringa totanus* wintering, Greenshank *Tringa nebularia* wintering, Black-headed Gull *Chroicocephalus ridibundus* wintering, Wetlands

Copies of the detailed conservation objectives for the sites are attached to this report. The overall aim of the objectives is to maintain or restore the favourable conservation status of habitats and species of community interest.

Potential Effects

As part of the site is within the Lower River Shannon SAC there is the potential for both direct and indirect effects. The key elements are as detailed above, namely habitat loss and habitat degradation from the spread of invasive plant species, and water quality impacts. In terms of the SPA there is the potential for indirect effects arising from water quality impacts and disturbance.

Loss of Habitat

None of the habitats directly impacted by the proposed development within the boundary of the SAC correspond with any of the Annex 1 habitats for which the SAC is designated. The loss of habitat does not represent an adverse effect on the

integrity of the SAC in consideration of the site's conservation objectives and qualifying interests.

Water Quality

Surface water run off during the construction phase may result in increased nutrients and suspended solids with the potential for hydrocarbons into the Westfield wetland which could result in a reduction of water quality both of it and the Shannon Estuary to which it is hydrologically linked. Changes in water quality could affect the communities supported by the Shannon Estuary and the following qualifying habitats; Estuaries, Mudflats and sandflats not covered by seawater at low tide and Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation. Otter could also be indirectly affected through the reduction of fish biomass

Changes in water quality could also indirectly impact on the SPA bird species due to a reduction in prey biomass availability which could, in turn, cause a decline in breeding population abundance, productivity rate and distribution of breeding colonies.

In terms of impact on water quality during the construction period, established preventative measures as detailed in section 6.3.2 are to be put in place through a Construction and Environmental Management Plan.

In the operational phase a separate storm water system which will include a petrol interceptor and attenuation area fitted with a flow control device for a discharge rate of 0.001m³/sec is proposed to collect rainwater runoff from roofs and hardstandings is proposed.

Invasive Species

The invasive alien plant species Japanese Knotweed is present on the site. As noted on day of inspection part of the site appears to have been cleared. An Invasive Species Management Plan is to be drawn up and implemented by a suitably qualified person with details of same set out in Section 6.3.5 of the NIS. It is recommended that complete eradication is carried out prior to commencement of construction.

Disturbance

Disturbance due to the noise and human activities on the site could also arise which could impact on Otter and birds. Construction activities will not interfere with or be carried out beyond the existing garden wall at the south of the site with signs to be erected prohibiting works beyond same. The said trees are to be retained with a buffer of further planting within the site to be provided which will provide screening. Disturbance during the construction phase is temporary.

Should evidence of an otter hold be observed works would cease and activity level assessed by an ecologist.

In the operational phase the additional disturbance arising from the proposed development in the context of the existing residential development immediately adjoining would not be material.

In combination effects

I note that the NIS assesses the potential cumulative impacts which could possibly arise with due cognisance had to the Limerick City Development Plan, Limerick City Biodiversity Plan and the Shannon River Basin Management Plan 2009-2015. No potential for significant incombination impacts are identified. I am satisfied that no incombination effect will arise.

Appropriate Assessment – Conclusion

On the basis of the information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above, I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site Nos. 002165 & 004077 or any other European site, in view of the site's Conservation Objectives.

7.6. Legal and Procedural Issues

The legal standing of the applicant has been raised. This constitutes the 2nd application in the name of The Estate of Nancy O'Brien. Both appeals have been accepted as valid.

A letter of consent from Limerick City Council for lands in its ownership equating to 49 sq.m. to the west of the site which will facilitate access to the site accompanies the application. The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Should planning permission be granted and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

8.0 Recommendation

Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the zoning objectives for the site, the pattern of development in the area, the scale, design and density of development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lower River Shannon Special Area of Conservation (site code: 002165) and the River Shannon and River Fergus Special Protection Area (site code 004077) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura impact statement and associated documentation submitted with the appeal, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lower River Shannon Special Area of Conservation (site code: 002165) and the River Shannon and River Fergus Special Protection Area (site code 004077, in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed road development both individually or in combination with other plans or projects,
- (ii) the mitigation measures included as part of the current proposal, and
- (iii) the conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed

particulars.

Reason: In the interest of clarity.

2. The mitigation measures identified in the following documents submitted to the with the application shall be implemented in full by the development.

- i) Natura Impact Statement
- ii) Bat Survey Report
- iii) Japanese Knotweed Infestation at Westfield House
- iv) Flood Report

Prior to commencement of development, the developer shall submit a schedule of mitigation measures identified in the said documents to the planning authority for its written agreement.

Reason: In the interest of clarity and the protection of the environment during construction and operational phases of development.

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

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

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The internal road network serving the proposed development including turning bay, parking area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Public lighting 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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9.
 - (a) All rear gardens shall be bounded by block walls, 2 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.
 - (b) Screen walls abutting open space or estate roads shall be 2 metres in height constructed in concrete block and shall be capped and rendered on both sides in a finish that matches the external finish of the dwellings.

Reason: In the interest of residential and visual amenity.

10. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development of development. The scheme shall include the following:

- (i) Existing trees, hedgerows and stone walls specifying which are proposed for retention as features of the site landscaping,
- (ii) The measures to be put in place for the protection of these landscape features during the construction phase,
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs.
- (iv) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (v) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity

11. Construction works shall be carried out only between the hours of 0830 to 1800 Monday to Fridays inclusive and between 0830 to 1300 on Saturdays. No construction work shall place on Sundays or public holidays.

Reason: To protect the amenities of adjacent properties and in the interest of orderly development.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning

and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Pauline Fitzpatrick
Senior Planning Inspector

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