



An  
Bord  
Pleanála

## Inspector's Report ABP-301344-18

<b>Development</b>	Construction of 5 no. two-storey houses, new entrance road and footpaths onto the existing Stonebridge access road and ancillary works.
<b>Location</b>	Lands along the access Road to Stonebridge housing estate to rear of Maudlin Road, Kells, County Meath.
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	KA/171170
<b>Applicant(s)</b>	Ros Liath Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Andrew Bogie.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> September 2018
<b>Inspector</b>	Deirdre MacGabhann

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	7
3.4. Third Party Observations .....	7
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. National Policy .....	8
5.2. Meath County Development Plan 2013 to 2019.....	8
5.3. Natural Heritage Designations .....	9
6.0 The Appeal .....	10
6.1. Grounds of Appeal .....	10
6.2. Applicant Response .....	10
6.3. Planning Authority Response .....	12
6.4. Observations/Further Responses.....	12
7.0 Assessment .....	12
7.2. Location of development and precedent. ....	12
7.3. Impact on character of the area, visual and residential amenity. ....	13
7.4. Public health.....	14
7.5. Access. ....	14
7.6. Public open space/playground. ....	15
8.0 Appropriate Assessment.....	15

9.0	Screening for Environmental Impact Assessment .....	16
10.0	Recommendation .....	16
11.0	Reasons and Considerations .....	16
12.0	Conditions .....	17

## **1.0 Site Location and Description**

- 1.1. The 0.14ha appeal site is situated in Kells town, c.500m to the north east of the town centre. It lies to the east of Maudlin Road (R941-010) in a residential area. The linear appeal site lies on land alongside, and to the north of, the access road to Stonebridge housing estate. It comprises the land to the rear two properties on Maudlin Road.
- 1.2. The access road to Stonebridge Estate is c.6m in width and has a footpath, mown grass strip and lighting columns along its northern side. A speed bump, part way down the access road, reduces traffic speeds (see photographs). The appeal site is currently undeveloped and overgrown, with a number of large trees on it.
- 1.3. Stonebridge Estate comprises a residential development of four rows of terraced dwellings, with two back to back rows separated from each other by an area of public open space. The terrace of properties, nearest to the appeal site, faces west, towards the site.

## **2.0 Proposed Development**

- 2.1. The proposed development, as revised by way of further information (8<sup>th</sup> February 2018) comprises the construction of 5 no. two storey houses on the appeal site, two detached properties and three townhouses (total gross floor area is 540sqm, maximum ridge height is 8m).
- 2.2. Access to the site is from a new internal access road off the existing access road to Stonebridge housing estate. 45m sightlines are shown in each direction at the junction of the internal access road and existing estate road. The five new properties will face the short length of internal road. The access road is designed to provide potential access to adjoining lands to the north of the site.
- 2.3. Each site is provided with two car parking spaces, to the front of the property, and private open space to the rear. Public open space is provided to the east of the site, to the rear of townhouses 3, 4 and 5. Some of the existing trees on the site will be

retained (see Proposed Landscape Layout, drawing no. 17-BG-05-06 and Existing Site, showing sight line distance, drawing no. 17-BG-05-019).

- 2.4. Water supply is from the public mains via a new connection. Wastewater will be disposed of into the public sewer in Maudlin Street, via a new foul sewer. Surface water, from individual properties will discharge to ground via a soakaway and surface water from the road will be discharged into the surface water drain in the existing estate access road. The front forecourt of all houses will have permeable paving.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On the 6<sup>th</sup> March 2018 the planning authority decided to grant permission for the development subject to 31 conditions. Most are standard and the remainder are as follows:

- No. 4 – Requires archaeological monitoring.
- No. 5 – Controls boundary treatment.
- No. 7 – Details specific road works to be carried.
- No. 10 – Requires details of a public lighting scheme to be submitted to the planning authority for agreement.
- No. 11 – Requires a tree survey and preparation of a landscape plan (to include play equipment in public open space).
- No. 16 – Requires a construction management plan to be submitted to the planning authority for written agreement.
- No. 19 – Requires the applicant to prepare a Construction Environmental Management Plan and a Waste Management Plan.
- No. 31 – Requires payment of a sum per residential unit towards expenditure to be incurred by the planning authority in monitoring the construction phase of the development.

#### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports

- 22<sup>nd</sup> November 2017 – Refers to the planning history of the site, relevant planning policy, technical reports, submissions by prescribed and third bodies and the pre-planning meeting in respect of the development. It considers the merits of the application under a number of headings including compliance with policy, design, provision of public open space and impact on residential amenity, access and parking Part V, water services and appropriate assessment. The report recommends further information in respect of roadway/junction design, car parking, public lighting, discharge of surface water (capacity of soakpits and inclusion of permeable paving), detailed design for the discharge of wastewater, provision of public and private open space, separation distances, landscaping, boundary treatment, glazing, rooflights and matters raised in the third-party submission.
- 6<sup>th</sup> March 2018 – Considers that not all of the matters raised in the request for further information have been addressed (including public lighting and tree survey by qualified person and landscape plan). However, it is considered that the matters can be dealt with by conditions. The report, therefore, recommends granting permission subject to 31 conditions.

### 3.2.2. Other Technical Reports

- Water Services (8<sup>th</sup> November 2017) – Recommends further information in respect of soil infiltration capacity/design of soakpits and provision of permeable paving in private driveway.
- Conservation (9<sup>th</sup> November 2017) – Refer to loss of greenspace and question what amenity area that is being provided.
- Transportation, Lighting (9<sup>th</sup> November 2017) – Recommends conditions in respect of public lighting.
- Road Design (22<sup>nd</sup> November 2017) – Recommend that the design of new junction with the estate access road comply with DMURS, verges on the new access road should have a 2.0m wide footpath and 1.0m grass verge on each side, access to rear gardens to be from curtilage of houses and two parking spaces per dwelling.
- Water Services (14<sup>th</sup> February 2018) – No objections subject to conditions.

- Transportation, Lighting (14<sup>th</sup> February 2018) – Recommends refusing permission for the development on the grounds that the applicant's submission (FI) does not address the FI request.
- Transportation (26<sup>th</sup> February 2018) – No objections subject to conditions.

### 3.3. Prescribed Bodies

- TII (24<sup>th</sup> October 2017) – No comments.
- Department of Culture, Heritage and the Gaeltacht – Given the location of the development within the vicinity of Recorded Monument ME017-044 (town of Kells), they recommend archaeological monitoring of groundworks.
- Irish Water (12<sup>th</sup> October 2017) – Recommends further information in respect of design of water supply and waste water services.
- Irish Water (15<sup>th</sup> February 2018) - No objections.

### 3.4. Third Party Observations

3.4.1. There is one third party observation on file by Stonebridge Resident's Association (2<sup>nd</sup> November 2017). Comments are as follows:

- Design not in-keeping with Stonebridge estate (design and location).
- Development is landlocked and is using land which forms part of the Stonebridge estate, to enable access.
- No consultation with residents on the effective transfer of public open space to private space.
- Development removes grassland public amenity area which has been managed and maintained by the residents for the past 20 years. Impact on amenity of residents and property values.
- Impact on mature broadleaf treeline and impact on amenity of residents.
- Inadequate proposals for water services – Development proposes linking to Stonebridge estate sewage and waste water system, which could not accommodate the development (blocks already on a regular basis).

- Narrow access road to Stonebridge estate is unsuitable for proposed development.
- Development would set an inappropriate precedent.

## 4.0 Planning History

4.1. The following applications have been made in respect of the appeal site and land to the south of the access road to Stonebridge Estate, opposite the appeal site:

- PA ref. KA/171051 – Incomplete planning application for the construction of 5 no. two storey houses on the appeal site.
- PA ref. KA17/0205 – Planning permission refused for 2 no., two storey dwellings on land to the south of the appeal site, with entrance also from the road serving Stonebridge Estate, on the grounds of impact on privacy and residential amenity, property values, intensification and overdevelopment of the site and inadequate water services.
- PA ref. KA/EX1750 and KA/EX1759 – Both relate to applications for an exemption certificate under section 97 of the Planning and Development Act (social and affordable housing), in respect of the development of five no. two storey houses on the appeal site. In both instances, the exemption was refused.

## 5.0 Policy Context

### 5.1. National Policy

- Sustainable Residential Development in Urban Areas (DEHLG, 2009).
- Urban Design Manual – A Best Practice Guide (DEHLG, 2009).
- Design Manual for Urban Roads and Streets (DT, DECLG, 2013).

### 5.2. Meath County Development Plan 2013 to 2019

5.2.1. Kells is designated as a 'Moderate Sustainable Growth Town' in the settlement hierarchy of the current Meath County Development Plan. Policy objective SS OBJ



11 seeks to ensure that the development of the town takes place in a self-sufficient manner, with population growth in tandem with service provision, and development supporting a compact urban. Chapter 11 sets out development management guidelines and standards for residential development (see attachments). These include, for Moderate Sustainable Growth Towns located on well established, public transport routes/nodes, a requirement for residential densities in excess of 35 net residential units per hectare in town centre locations, subject to good design. Section 11.2.2.2 of the Plan sets out minimum requirements for new housing, including private open space provision, separation distances, and public open space. Section 11.9 sets out a requirement for 2 parking spaces per conventional dwelling.

- 5.2.2. The Kells Development plan 2013 to 2019, zones the appeal site 'A1' Existing Residential. The objective of this zoning is to protect and enhance the amenity of developed residential communities. The County Development Plan, which is applicable to all statutory land use plans in the County, states that in the A1 zones, the planning authority will be primarily concerned with the protection of the amenities of established residents. Permitted uses include infill and residential development. Policies in respect of residential development (section 5.3 of the Plan), include Policy HS POL 2 which requires a high standard of design in all new residential schemes.
- 5.2.3. Approximately 30m to the north west of the appeal site, the end of terrace three bay two storey house (built in c.1870), on Maudlin Street is a protected structure, KT017-085. It is afforded protection by policies of the County Development Plan and Trim Development Plan.

### **5.3. Natural Heritage Designations**

- 5.3.1. Approximately 500m to the north east of the appeal site lies the River Boyne and River Blackwater SAC and SPA (site codes 002299 and 004232 respectively). It is separated from the appeal site by urban development.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The appeal by Stonebridge Residents' Association. It raises similar matters, as set out in their observations on the planning application (summarised above). Additional matters are summarised below:

- Development is on a narrow backland site and contrary to the aims and objectives of the County Development Plan and Kells Development plan.
- The proposed new 'community area' is unsuitable (relative seclusion) and is likely to be a space that will attract anti-social behaviour.
- Plans for similar developments have been refused by the planning authority, on the grounds of impact on residential amenity, property values, intensification and overdevelopment (PA ref. KA/170205).
- Condition no. 11 requires construction of a playground. The Resident's Association has not been consulted on this. The proposed site is unsuitable. The playground will give rise to litter, noise and anti-social behaviour. There are no arrangements for managing the playground and its environs and no suitable parking in the area for it.
- The development does not protect or enhance the existing amenity value of the residential community of Stonebridge and is therefore contrary to zoning requirements and would set a poor precedent.

### **6.2. Applicant Response**

6.2.1. The applicant responds to the appeal as follows:

- The proposed development is for a small number of properties, on existing residential zoned town centre lands, with existing infrastructure, access road and drainage.
- The development is separate from Stonebridge Estate and physically removed from houses (>60m). The appeal site directly adjoins the access

road to the Estate. It is in private ownership and is not an integral part of the Estate.

- The proposed lands are located on an existing access road which much like the Stonebridge estate are all backland since they are located behind Maudlin Street. The appeal site is zoned for residential use and the development is in keeping with polices of the Meath County Development Plan.
- The development will not remove a grassland amenity area. The existing site is overgrown, has not been managed and maintained by Stonebridge Estate and it has been the subject of anti-social behaviour. Some trees and shrubs on site will be retained. The proposed open space and treelines will replace the existing site. The grassed area alongside the site will be retained and augmented by the new grassland open space to the east of the development.
- The public open space will be maintained by the developer until the lands are taken in charge. In line with policy of the planning authority and the HSE basic playground equipment will be provided in keeping with the policy of children being active.
- The proposed foul sewerage does not link into Stonebridge Estate foul sewer. It connects directly to the public sewer in Maudlin Road and is acceptable to the planning authority (water services) and Irish Water.
- The local access road has been designed to meet Department of Environment standards and is adequate to cater for the small number of houses proposed.
- KA/170205 – Was refused opposite the appeal site given the orientation of the properties which faced the Stonebridge Estate Road, very small rear garden, proximity to adjoining rear gardens and impacts on amenity and privacy. The proposed development differs significantly from this development.
- The development will utilise unused residentially zoned infill lands in the town centre served by existing infrastructure and will provide a much needed mix of local affordable houses in the town centre of Kells. Designs will be more sustainable than existing housing.

### **6.3. Planning Authority Response**

- 6.3.1. In their response to the appeal (26<sup>th</sup> April 2018), the planning authority state that the matters raised by the appellants were considered during their assessment of the application.

### **6.4. Observations/Further Responses**

- 6.4.1. None.

## **7.0 Assessment**

- 7.1. Having regard to the information on file and my inspection of the appeal site, I consider that the key issues for this case relate to, and be confined to, the matters raised in the appeal, as follows:

- Location of development and precedent.
- Impact on character of the area, visual and residential amenity.
- Public health.
- Access.
- Public open space/playground.

### **7.2. Location of development and precedent.**

- 7.2.1. The appeal site lies on land zoned A1, existing residential, in an urban area of a town designated for sustainable growth, with the objective of creating a compact urban form. The object of the residential zoning is to protect and enhance the amenity of the established residential communities. Residential development and infill development are permitted in the zone, subject to the protection of residential amenity.
- 7.2.2. The appeal site comprises part of two long narrow rear gardens to two properties fronting Maudlin Street. The site is removed from the rear building line of these properties by c.30m, and it sits north of the footpath and mown grass verge that run along the northern side of the access road to Stonebridge Estate. To the east, the appeal site is c.23m from the nearest properties in Stonebridge Estate (proposed

dwellings are further removed from the existing properties). The site is currently overgrown and whilst it contributes to the setting/access to Stonebridge (see below), it is not an area of designated open space or one which is used as open space by the community. Access to the site is from a new entrance from the public road providing access to Stonebridge.

- 7.2.3. The appeal site is therefore neither landlocked or backland. The residential development is brought forward on a zoned site which is in close proximity to the town centre, in a residential area, on land that does not form part of the existing estate and which facilitates access to land to the rear of properties along Maudlin Street. I consider, therefore, that in principle, it is acceptable on the site. Impact on established residential amenity is considered below.
- 7.2.4. The appellant refers to a planning application for the development of 2 no. two storey houses on land opposite the appeal site, to the south of the access road to Stonebridge (PA ref. KA/170205). This development was refused on the grounds that it would seriously injure the amenity of future occupants and adjoining property, overdevelopment of the site and inadequate water service proposals. However, I note that this development was brought forward on a narrower site (one plot wide) with the dwellings facing the access road to Stonebridge and front and rear elevations tight up to site boundaries. I do not consider that it sets an appropriate precedent for the proposed development, which is brought forward on a larger site, with properties designed and orientated such that no impacts on third parties arise (see below) and where water service proposals have been adequately detailed.

### **7.3. Impact on character of the area, visual and residential amenity.**

- 7.3.1. The proposed development will provide 5 new residential properties and an associated area of public open space. Plans for the development indicate that dwellings would be gable end to the public road, with the majority of the existing trees on the site will be cleared (see Existing Site, drawing no 17-BG-05-19 and Proposed Landscape Layout, drawing no. 17-BG-05-06). I would accept that this will significantly alter the character of the current approach to Stonebridge.
- 7.3.2. However, as stated, site does lie in an urban area, on land which is zoned residential and which can be readily serviced. Further, the applicant proposes landscaping

within the site and along its boundaries, including in the proposed open space area. In principle, I consider that additional planting could soften the appearance of the development and in the longer term provide a high quality urban environment for new and existing residents, and would be acceptable in this regard. However, this is a matter which requires careful detailing and I do not consider that the plans for the landscaping of the site are sufficient in this regard (i.e. in terms of the level and detail in respect of the hard and soft landscaping proposed). This matter could be addressed by condition.

- 7.3.3. With regard to potential impacts on residential amenity, the proposed development is in accordance with the requirements of the County Development Plan for parking, private open space, public open space and separation distances. The dwellings are orientated and removed from existing property such that no issues of overlooking or overshadowing arise. Design of the dwelling is also typical of two storey suburban residential development and proposed materials, a mix of brick and neutral coloured render, will be reasonably consistent with those used in the Stonebridge Estate (roof colour will differ).

#### **7.4. Public health.**

- 7.4.1. The appellant argues that the proposed development will be prejudicial to public health, as it will add to deficiencies in the wastewater system serving Stonebridge. However, I note that the site will drain directly to the public sewer in Maudlin Street (see Proposed Drainage Sheet 1, drawing no. 17-BG-05-04) and that neither Irish Water or the planning authority has raised objections to it. I consider, therefore, that there is insufficient evidence to conclude that the development would have an adverse effect on public health.

#### **7.5. Access.**

- 7.5.1. The proposed development comprises a small housing scheme of 5 residential units. Access to these will be from the existing c.6m access road serving Stonebridge. Consistent with the requirements of DMURS 45m sightlines are proposed at the junction of the development and existing estate road and the existing footpath alongside the main estate access road and grass verge will be retained. In addition,

the planning authority has conditioned that the existing speed bump be relocated further west of its current position as part of the development.

- 7.5.2. Having regard to the above, I consider that the existing access road is sufficient in size to accommodate the proposed development and the relatively small number of traffic movements that will be associated with the proposed properties.

#### **7.6. Public open space/playground.**

- 7.6.1. The applicant proposes public open space of 220sqm at the eastern end of the development and condition no. 11 of the planning authority's grant of permission requires provision of play equipment and landscaping of the open space, which supports active play in the open space.
- 7.6.2. The proposed area of open space is in accordance with technical requirement of the County Development Plan for residential development (15% of site area). Further, the inclusion of a play area is consistent with the plan's overall goal of promoting a healthy lifestyle and the location of the development in an established residential area. However, the location of the open space provided is not ideal i.e. it is to the rear of the housing units and as designed (see Proposed Landscape Plan, drawing no. 17-BG-05-06-06), passive surveillance from nearby housing is restricted by the existing hawthorn hedge to be retained. Given the linear nature of the appeal site, I do not consider that it is practicable or appropriate to relocate the open space area within the development. However, I consider that the area of open space could be better landscaped to enable a more appropriate level of passive surveillance, which would reduce the risk of anti-social behaviour, and to make a positive contribution to the visual and residential amenity of the area. This matter could be addressed by condition.
- 7.6.3. Maintenance of the open space will be provided in the long term by the planning authority, when the development will be taken in charge and parking is not specifically required as it will principally serve the needs of nearby residents.

### **8.0 Appropriate Assessment**

- 8.1. The proposed development, which is modest in scale and removed from nearby Natura 2000 sites, lies in a serviced urban area and wastewater and contaminated

surface water will be discharged into existing infrastructure. Having regard to these factors, 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.

## **9.0 Screening for Environmental Impact Assessment**

- 9.1. Having regard to the modest nature the proposed development (five dwellings), its location within a serviced urban area, the arrangements for the disposal of surface and waste water and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **10.0 Recommendation**

- 10.1. Having regard to my assessment above, I recommend that permission for the proposed development be granted.

## **11.0 Reasons and Considerations**

Having regard to the location of the proposed development in an established urban area, on a site in close proximity to the town centre, the modest number of proposed dwellings, their detailed design, orientation on site and distance from surrounding property and the arrangements for landscaping, it is considered that the proposed development, subject to compliance with the conditions set out below, is in accordance with the policies of the Meath County Development Plan 2013 to 2019, would not seriously injure the visual amenity of the area or detract from the residential amenity or value of property in the vicinity of the site and would be acceptable in terms of traffic safety and public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## 12.0 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 8th day of February 2018, 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. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, with the planning authority:
  - i. Samples of all external materials.
  - ii. Revised plans and particulars which illustrate an A-pitched porch (similar to the terraced units) on the two detached units.
  - iii. Details of all boundary treatment, to include:
    - a. boundary walls which enclose private open space 2m high brick, stone or rendered blockwork wall, capped and designed to be consistent with the dwelling; and
    - b. front boundaries walls or fence rails shall be 500mm in height and in keeping with the design of the dwelling.
  - iv. All side elevation bathroom/W.C. windows shall consist of obscure glass.

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

3. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement:
  - i. A tree survey prepared by a suitably qualified, horticulturalist/arborist/arboriculturist, and
  - ii. A landscaping scheme for the site, prepared by a suitably qualified

horticulturalist/arborist/arboriculturist, including (i) retention of existing trees and hedgerows where possible, (ii) detailed design of hard and soft landscaping of the residential development, and (iii) detailed design of the area of public open space, to include arrangements for passive surveillance and proposals for play equipment which supports active play,

- iii. The area of public open space and play equipment, shown on the agreed plans (above) shall be reserved for such use and shall be landscaped in accordance with the detailed requirements of the planning authority. This work shall be overseen and implemented by a suitably qualified horticulturist/arborist/arboriculturist and be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.
- iv. 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 and in order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

- 4. The development hereby permitted shall be carried out and completed at least to the construction standards set out in *The Planning Authority's Taking in Charge Policy*. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

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

- 5. i. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such

road works.

- ii. Relocation of the existing ramp on the Stonebridge access road to the west, shall take place, to the written satisfaction of the planning authority, prior to the occupation of the development.

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

6. 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.

7. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

8. Water supply and drainage arrangements, including the 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.

9. 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 the

satisfaction of the planning authority, to facilitate the provision of broadband infrastructure within the proposed development.

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

10. 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 number of construction traffic vehicles to and from the site on a daily basis, haul routes, off carriageway parking for all traffic associated with the development, noise management measures, disposal of demolition and construction waste, a scheme for dust and dirt control, repair of damage to the public road, environmental controls and hours of working.

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

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. 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 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.

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.

15. 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.

---

Deirdre MacGabhann  
Senior Planning Inspector

17<sup>th</sup> October 2018