



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-301429-18

Strategic Housing Development

149 residential units, crèche,
realignment and improvement of the
Spa Road junction and associated
works.

Location

Hazel Brooke, Spaglen, Mallow, Co.
Cork.

Planning Authority

Cork County Council.

Applicant

Greenstone Properties Limited.

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
Department of Culture, Heritage and
Gaeltacht (DAU)
Inland Fisheries Ireland

Observer(s)

None.

Date of Site Inspection

16 May 2018.

Inspector

Stephen Rhys Thomas.

Contents

1.0 Introduction.....	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	5
5.0 Section 5 Pre Application Consultation.....	6
6.0 Relevant Planning Policy	8
6.1. National Policy	8
6.2. Development Plan.....	8
7.0 Observers Submissions	10
8.0 Planning Authority Submission	11
9.0 Prescribed Bodies.....	14
10.0 Assessment.....	15
11.0 Recommendation	29
12.0 Reasons and Considerations (1).....	29
13.0 Conditions	30

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The proposed development is located to the north east of Mallow town, in County Cork approximately 2 kilometres from the town centre. The site with a stated area of 5.54 Hectares is located in the townland of Spaglen. The development lands were originally part of the overall residential development known as Hazel Brooke, which is a partially finished housing estate. The proposal is to provide housing south and west of the constructed units and complete the overall residential scheme.
- 2.2. The immediate area is characterised by low density residential development. There is another unfinished housing estate located to the north-east of the site known as Clonmore. Access to the site is via the Spa Glen / Ballyviniter Road through the existing road network serving the Hazel Brooke estate. The Spa Glen road has a footpath on a single side, then links with the Spa Road and provides access to the town centre. Footpaths on either side of the road only begin at a point where the Beechwood Park housing estate begins some 700 metres south west of Hazel Brooke.
- 2.3. The site is characterised by disturbed ground, some depressions and hollows, some areas of standing water and reed and areas of heaped spoil from the former phase of development works on this and the adjacent site. There are also changes in level as the site falls away to the southern boundary with the N72 to the south. In addition, a watercourse (South Caherduggan River/Spa Glen Stream) borders the eastern side of the site and creates a noticeable change in level and provides areas of mature tree stands. The western portion of the site is also characterised by mature trees associated with a field boundary and other shrubs and small trees that have colonised the former construction site. There is a shed type building to the southern extremity of the site and it provides shelter for farm animals, it is in poor condition.

Throughout the site there is evidence of underground piped infrastructure, ducting and a surface water attenuation facility. A combination of wire mesh fence and concrete block walls provide the boundary of the site with the existing housing estate. The roadside boundary with the N72 comprises an overgrown retaining wall, a wide road margin planted with grass and hedgerow. Finally, the application site includes a significant portion of the Ballyvinitter Road, Spa Glen Road, its footpath and the junction with the Spa Road.

3.0 Proposed Strategic Housing Development

The proposed development is the construction of 149 dwellings, the detail comprises:

- 17 four bedroom houses – (11%)
- 76 three bedroom houses – (51%)
- 12 two bedroom houses – (8%)
- 28 two bedroom apartments - (19%)
- 16 three bedroom apartments - (11%)
- A crèche – 115.15 sqm.

The provision of landscaping, amenity areas and play areas. Improved pedestrian facilities such as dropped kerbs and tactile paving, new pedestrian crossings and the realignment of the Spa Road junction is included.

The stated total site area is 5.54 Hectares. Net residential density is stated as 35.22 dwellings per Hectare, based upon a net developable area of 4.23 Hectares.

4.0 Planning History

Subject site

PA reference **03/166** and ABP reference **PL.04.208647**. Construction of 186 houses. January 2005

PA reference **05/2837**. Change of plan and house design pertaining to 66 dwelling units permitted under PL.208647. September 2005.

PA reference **06/11672**. Permission refused for 138 dwelling houses comprising semi-detached, terraced and detached dwellings, a crèche with first floor apartments. December 2006.

PA reference **06/5271**. Retention of 14 units permitted under File ref. no. 05/2837 (includes alterations to houses and minor repositioning of houses). June 2006.

PA reference **07/5997**. Demolition of a dwelling house and construction of 130 residential units. January 2008.

PA reference **08/7989**. Construction of a water service control building with underground contact and reservoir tanks. February 2009.

The Board are advised that no plans, particulars or planning reports were available to the Inspector in respect of the history files other than An Bord Pleanála reports in respect of File Ref. No. PL04.208647.

Nearby Sites:

PA reference **08/7989** and ABP reference **ABP-301221-18**. Construction of 108 dwelling houses. No decision.

5.0 Section 5 Pre Application Consultation

5.1.1. A section 5 pre-application consultation took place at the offices of Cork County Council on the 2 February 2018 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-300549-17. In addition, the applicant was advised of specified information to be submitted with the application under articles 285(5)(b) and 298(1) of the Regulations. Matters discussed as part of the consultation meeting between the applicant, planning authority and officials of An Bord Pleanála are summarised as follows:

- Surface water management and flooding, in the context of the Spa Stream channel to the south east of the site.
- Traffic and access with reference to congestion and capacity in Mallow to cater for the development.
- The development strategy and layout in the context of national guidelines, open space, typology of units and boundary treatment to the N72.

Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.1.2. The Board considered that the documentation submitted by the applicant constituted a reasonable basis for an application to be made. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that specific information should be submitted, a summary of which is as follows:

- A detailed statement of consistency and design/planning rationale.
- Flood Risk Assessment.
- Additional documentation outlining the extent, cost and scale of works necessary to upgrade roads and footpaths in the vicinity.
- Part V compliance documentation.
- Full and complete cross section drawings showing the interface with the N72.
- A contextual layout showing existing and proposed development.
- Landscape plan.
- Construction and demolition waste management plan.
- Council taking in charge layout.

5.1.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. Inland Fisheries Ireland
3. Local Childcare Committee

5.2. Applicant's Statement Under Article 297(3)

Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities - 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’).
- ‘Childcare Facilities – Guidelines for Planning Authorities’ (2001)

6.2. Development Plan

The **Cork County Development Plan 2014** is the operative plan for the area. Note that the provisions of Variation No. 1, adopted 12th February 2018, that updates the development plan to reflect the revised housing supply figures, approach to Active Land Management and the Metropolitan Cork Strategic Land Reserve arising from the adoption of the Municipal District Local Area Plans in 2017.

Under objective CS 3-1 of the plan, the strategic aim for Mallow is:

“To grow its population to 20,000 as envisaged by the NSS. Develop as a major integrated employment centre so that it fulfils its role at regional and county level and should be location of choice for most people especially those with an urban employment focus.”

Mallow is located in the Greater Cork Ring Area. Objective CS 4-2 provides that

“CS 4-2 a) Recognise the importance of the role to be played by Mallow as a ‘Hub’ town in the implementation of the National Spatial Strategy and the Atlantic Gateway Initiative to focus growth in North Cork and; to promote its

development as a major centre of employment and population where there is a high standard of access to educational and cultural facilities, and to provide the necessary infrastructure to ensure that the expansion of Mallow can be achieved without having adverse impacts on the receiving environments.”

Chapter 3: Housing. Policy HOU 3-3: Housing Mix seeks to secure the development of a mix of house types and sizes throughout the county. Policy HOU 4-1: Housing Density on Zoned Land seeks to ensure the delivery of densities between 20-50 units / ha on lands zoned for medium A density residential development. There is an identified need to balance the achievement of higher densities with a broader range of house types. Medium density A development can include apartment units but a broad housing mix is required overall for medium density ‘A’ and ‘B’ lands, including detached sites.

Chapter 5: Social and Community. Objective SC3-1: Childcare Facilities seeks the provision of childcare facilities concurrent with development, having regard to population targets for the area. Section 5.7.7 requires a public open space provision of at least 12-18% of a site, excluding areas unsuitable for construction.

Chapter 10: Transport and mobility, includes objectives to improve walking and cycling facilities.

Chapter 13: Green Infrastructure and Environment, the site is located within a High Value Landscape and characterised as fertile plain with moorland ridge.

Chapter 14: Zoning and Land Use. Objective ZU3-2: Appropriate Uses in Residential Areas promotes limited supporting uses in residentially zoned areas.

In the **Kanturk Mallow Municipal District Local Area Plan 2017**, the lands form part of the MW-R-03 zoning, with the following specific objective:

MW-R-03: Medium A Density Residential Development. Consideration should be given to the provision of serviced sites within the overall layout. Lands to the south of the site which are at risk of flooding should in general be retained as open space with potential to be included in an extension of the Spa Glen Amenity Corridor.

A portion of the proposed works at the Spa Road/Ballyvinitter Road junction are situated on lands zoned MW-O-02 – Spa Glen Amenity Corridor. Informal open

space and recreation uses but with provision for a limited residential component mainly in the area near Ballylough Cross. Residential proposals must include provision for enhanced public access to the areas of significant amenity value. Watercourses, woodland and riparian habitats on site should be retained and protected.

The LAP contains specific development objectives for Mallow Environs at section 3.2. of the plan.

A portion of the site is located in Flood Zone A and B associated with the South Caherduggan River, also known as the Spa Glen Stream.

Chapter 17 of the plan sets out the relevant development management standards, there are guidelines in relation to housing, public open space and transport.

6.3. Applicant's Statement of Consistency

- 6.3.1. Section 8(1)(a)(iv) of the 2016 Act provides that the applicant is to submit a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan. A Statement of Consistency with local and national policy has been submitted with the application.

6.4. Designated Sites

- 6.4.1. There are two European sites within 15 kilometres of the site, the Blackwater River (Cork/Waterford) SAC (site code 002170). The site has the following features of interest including: Freshwater Pearl Mussel, White-clawed Crayfish, River Lamprey, Twaité Shad, Atlantic Salmon, Otter, water courses of plain to montane levels, old sessile oak woods and alluvial forest, amongst other things. There is also Kilcolman Bog SPA (site code 004095), features of interest include: Whooper Swan, Teal, Shoveler, wetland and waterbirds.
- 6.4.2. An Appropriate Assessment Screening Report was submitted with the application, which concludes that the proposed development will have no significant impacts upon a Natura 2000 site. The report concludes no significant effects arising from the development works are likely to occur in relation to Natura 2000 sites.

7.0 Observers Submissions

- 7.1. None.

8.0 Planning Authority Submission

8.1. The Chief Executive's report was received by An Bord Pleanála on the 11 June 2018. The report states the nature of the proposed development, the site location and description, and details the relevant Development Plan policies and objectives. The report also included.

8.2. A summary of the views of relevant elected members of the Municipal District, is outlined as follows:

- Scheme is welcomed in light of housing need and the completion of an unfinished estate.
- There is a need for social housing in Mallow and these units should be well distributed throughout the scheme.
- Additional traffic should not be routed through St Joseph's Road.
- The feasibility of extending footpaths to the River Valley Estate should be investigated.
- A special contribution should be attached to the construction of a bridge and boardwalk at the Mallow Bridge.
- Play areas should comply with the current Recreation and Amenity Policy.
- A condition should be attached to ensure that all unfinished elements in the existing estate are completed before new development is started.
- LIHAF funding should be sourced to overcome infrastructural deficits and free up housing land.

8.3. The following is a summary of issues raised in the assessment section of the report:

- Principle of Development – given the status of Mallow as a 'hub' town, that the site is zoned for residential development and the existence of a previous planning permission (03/166 and ABP PL04.208647), Cork County Council is supportive of the application to complete the existing estate and achieve the target population for Mallow.

- There are no objections to the proposed density and quantum of development proposed. The development of the site will assist the achievement of a need for 4,552 housing units in the town under the Kanturk Mallow Municipal LAP.
- The layout and quality of public open spaces. The road hierarchy is acceptable and illustrates the principles of the Design Manual for Urban Roads and Streets. Pedestrian and cyclist permeability is broadly acceptable, however, increased connectivity to other developments could be achieved. In addition, better open space in the vicinity of units 91-96 could be achieved through road realignment. Greater separation distances between units should be achieved where there are changes in level, unit numbers are specified and the apartment block J is highlighted. Boundary treatments along the N72 require specific attention and more detail is required. The retention of some existing boundary hedging is welcomed but the loss of immature woodland to the southwestern corner of the site is unfortunate.
- The provision of recreation and amenity facilities is acceptable and accords with Council policies in this respect.
- The proposal integrates well with the area and existing development in the vicinity. The provision of connections is welcomed and can be managed by condition, the improvement of the pedestrian environment in the wider area will also benefit Mallow.
- The proposed housing mix is acceptable and Part V obligations have been met in terms of unit specification and distribution.
- The provision of a creche is welcomed. The planning authority note the historical requirement to provide a creche and indicate the approach at Clonmore Estate and recommend the provision of the creche prior to occupation of the 75th unit.
- The proposed phasing proposal is acceptable; however, it is important that pedestrian footpath improvements along the Spaglen Road are completed in the first phase.
- The potential for archaeological remains should be addressed by an appropriate condition.

- In terms of traffic and transportation the Council are supportive of the proposal to improve pedestrian facilities along the public road and works to junction J2. Deficiencies are noted at the junction of the Spaglen Road and the N72, a special contribution is requested. Traffic congestion problems in Mallow town centre at Clockhouse Junction and Mallow Bridge have been identified and the proposed development will contribute to this issue, a special contribution is requested to construct a pedestrian boardwalk alongside the bridge and remove existing footways. Detailed design concerning delivery and emergency turning manoeuvres at road ends requires attention.
- There are no concerns regarding flood risk, however, detailed issues regarding some surface water management proposal require an appropriate condition.
- In terms of Appropriate Assessment and ecological issues, there is disappointment that an area of immature woodland is not incorporated into the overall scheme and that the proximity of development to the Caherduggan River is limited. Some slow growing tree species in back gardens is questioned and the provision of a management program for an invasive species (Japanese Knotweed) is required. The lack of a requirement for an EIAR is noted.

8.4. The planning authority's conclusion considers the proposed development to be consistent with the relevant objectives of the County Development Plan and the Kanturk Mallow Municipal Local Area Plan. In accordance with the requirements of section 8(5)(b)(ii) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions.

8.5. A total of 62 conditions are recommended should permission be granted. Of note are:

Condition 4 refers to the phasing of development and specifically requires an operational childcare facility prior to the occupation of the 75th dwelling unit, the completion of all footpath and junction improvements leading to the Spaglen junction to be complete prior to any occupation of a dwelling unit and clearance works along the margins of site boundary and the N72.

Conditions 5 and 6 refer to enhanced pedestrian and cycle connectivity through the site.

Condition 12 and condition 15 seeks the retention of immature woodland and a 15 metre buffer zone to the Caherduggan Stream.

Other standard conditions relate to Part V requirements, archaeology, boundary treatment, public open space including childproof fencing along stream banks, invasive alien species management plan, surface water requirements, technical road and footpath standards, management of construction works, waste management, noise management, and financial contributions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water
- Inland Fisheries Ireland
- Local Childcare Committee

The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 17 April 2018. Irish Water (IW), provided a submission and a summary of its comments are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated.

No comments were received from Inland Fisheries Ireland or Cork County Childcare Committee.

10.0 **Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by any observations on file, under relevant headings. Finally, the issue of appropriate assessment also needs to be addressed. The assessment is therefore arranged as follows:

- Principle of development
- Density
- Layout
- Residential Amenity
- Public Open Space
- Traffic and Transport
- Childcare and Part V Social Housing Provision
- Infrastructure and Flood Risk
- Environment/Ecology
- Archaeology
- Screening for Environmental Impact Assessment (EIA)
- Appropriate Assessment

10.2. **Principle of Development**

10.2.1. The subject site is located on lands that are zoned MW-R-03: Medium A Density Residential Development in the Kanturk Mallow Municipal District Local Area Plan 2017. The proposed development comprises residential units and a childcare facility and so therefore accords with the zoning objective for the lands concerned. The

provision of residential development is considered acceptable in principle on the site and generally in accordance with the zoning objectives for the area.

10.2.2. A portion of the proposed works at the Spa Road/Ballyvinitter Road junction are situated on lands zoned MW-O-02 Spa Glen Amenity Corridor. Given that the proposed road junction improvements and provision of a pedestrian raised table crossing point mainly occur within the alignment of the existing road, I am satisfied that the proposed scope of the works proposed are in accordance with the land use zoning.

10.3. **Density**

10.3.1. Net residential density is stated as 35.22 dwellings per hectare. The planning authority identify the site as a location where the zoning objective calls for residential densities of between 20-50 units per hectare. The zoning objective for the site also seeks the provision of serviced sites, however, the planning authority are satisfied that the omission of serviced sites in favour of higher densities is acceptable.

10.3.2. As a result of the pre-application consultation meeting between the applicant, planning authority and An Bord Pleanála, the initial net residential density of 30 units per hectare has been increased to 35. This has been achieved by the introduction of an apartment building, duplex units and townhouses. The applicant has satisfactorily responded to the specific information regarding density requested in the Board's notice of pre-application consultation opinion. Given the location of the development in the context of Mallow town centre, the prevailing lower density character of residential development in the vicinity, I am satisfied that the applicant has satisfactorily increased residential density to an acceptable level.

10.4. **Layout**

10.4.1. Open space – In broad terms the quantum and approach to public open space is good. Houses and apartments front onto and overlook public open spaces. This provides a good degree of passive supervision to enable public open spaces to function safely and provide an adequate level of amenity. In particular, the four main public open spaces are well proportioned and overlooked on all sides except for the densely planted margins of the stream at the south eastern end of the site, but this acceptable. Six play areas are distributed throughout the scheme and again are well

overlooked and are intended to provide play opportunities for all age-groups of children.

- 10.4.2. A pedestrian path divides plots 60,61, 33-34 and 35-36 and provides a short cut between apartment units at the southern end of the scheme and open space and the balance of the development to the north. The footpath is 60 metres in length and six metres in width. It is overlooked by apartments and houses and I consider it a useful and safe amenity.
- 10.4.3. The planning authority do not raise any significant concerns with regard to the distribution and form of public space throughout the proposed scheme. I note that the elected members of the municipal district welcome the completion of the estate and the provision of the balance of open space that will be of benefit to existing and future occupants. I agree that the provision of open space is adequate and the retention of existing vegetation where possible is to be welcomed. I note the concerns of the Council's Heritage Officer with respect to the retention of semi-wild scrub areas and their incorporation into open spaces. However, I also note the landscape plan that indicates the retention of historic boundary treatments such as hedging and planting around the existing watercourse. I am satisfied that the landscape plan, for the most part, addresses the balance between the retention of existing vegetation and the provision of usable and passively supervised open spaces.
- 10.4.4. Road Hierarchy – The applicant has shown a site that is connected to the wider street network in two places. The main streets are detailed at between 6.0 and 5.5 metres in width and shared surface streets range between 4.5 and 5 metres in width. The road dimensions are broadly in accordance with the Design Manual for Urban Roads and Streets (DMURS) and therefore acceptable. The corner radii at the two junctions with Hazel Brooke have been designed to comply with DMURS and this is acceptable. I note that the footpath proposed to link in with the existing road layout adjacent to apartment block J ends abruptly at the site red line boundary and is combined with a home zone type treatment. This is a minor issue, an appropriate condition could advise the provision of greater detail in terms of concrete footpaths and home zone areas. In broad terms, the road layout is satisfactory; however, where future road/pedestrian connections are proposed, the road or footpath edge should meet the site boundary without interruption by grass or other planted verges.

10.5. Residential Amenity

- 10.5.1. Future occupants – The applicant has submitted a Schedule of Accommodation, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In the majority of cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines. According to the Schedule of Accommodation and Housing Quality Assessment submitted by the application, house type E and F (three bedroom semi-detached house) that provide accommodation for five persons comprise 90 sqm. This is marginally below the best practice guidelines; however, all other house types meet or exceed the relevant floor areas advised.
- 10.5.2. The planning authority consider that separation distances between dwellings of greater than 22 metres should be provided where level changes are noticeable, such as between units 22-28 and 65-68. The change in level between these two blocks is 2.5 metres, which is not in my opinion excessive and in any case such a change in level does not bring opposing windows any closer. However, a slight change in finished floor levels of both terraces would be a better solution rather than an increase in separation distances that would affect the layout at this location.
- 10.5.3. In terms of private open space, garden depths are provided at a minimum of 11 metres and according to the schedule provided by the applicant result in 30 sqm across all house types. In reality, the rear gardens associated with dwellings vary in shape and area and provide in excess of 30 sqm. The scale of the proposed dwellings and the large garden spaces are generous. For the most part, the proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.
- 10.5.4. The proposed development comprises 44 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas. In particular, the guidelines set out Specific

Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged as 12 two bedroom units contained in a single three storey block to the south east of the site overlooking open space and a stream (block J). The remainder of the apartments are situated in three storey duplex buildings with two and three bedroom units with either large gardens or balcony spaces, all to an acceptable standard. Apartment units are located at the southern end of the site and are provided with adequate public open space and play areas. Apartment units are dual aspect, duplex units comprise a smooth plaster finish and the larger apartment block is finished with brick, this is an acceptable format.

- 10.5.5. Section 2.4 of the applicant's Statement of Consistency deals with apartment design and compliance with the relevant standards. The floor to ceiling heights associated with apartment block J are 2.8 metres and 2.7 and 2.5 metres in relation to the duplex apartments, this exceeds the requirements of SPPR 5 of the guidelines with respect to floor to ceiling heights. The proposed apartments are significantly in excess of the minimum floor area standards (SPPR 3) by a margin of 13%. Given, that all apartments comprise floor areas in excess of the minimum plus 10%, I am satisfied that the necessary standards have been achieved and exceeded.
- 10.5.6. I note that Apartment Guidelines, published on the 9th March 2018, require the preparation of a building lifecycle report regarding the long term management and maintenance of apartments. The planning application was lodged with the Board on the 17 April 2018. I have not seen a report to this effect supplied with the planning application. Given the timeframes involved, this omission is considered acceptable in this instance. In any case the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments.
- 10.5.7. Existing Amenity – The proposed development will adjoin the existing Hazel Brooke housing scheme and has been designed to either follow existing building lines or present a back to back arrangement. I find that a separation distances of 22 metres between opposing first floor windows or greater has been applied by the applicant. The planning authority are also satisfied, that for the most part separation distances between buildings are acceptable. The planning authority have highlighted separation distances between existing residential units and apartment block J. At this location the applicant has indicated a separation distance of 22.5 metres. In reality,

the separation distance between the two front faces of these buildings will be between 21 and 22 metres. In common with the planning authority, I am satisfied that this is acceptable given the site constraints of providing a useable amenity to the south associated with the existing watercourse.

10.5.8. I note that site sections illustrate no significant difference in site level between proposed and existing dwellings. I do not anticipate any significant loss of residential amenity to existing properties from overlooking, overshadowing or overbearing appearance.

10.5.9. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing Hazel Brooke housing estate.

10.6. Public Open Space

10.6.1. I note that information within regard to landscape proposals and boundary detail to the N72 was highlighted as specific information requested in the Board's notice of pre-application consultation opinion. In this regard, the applicant has submitted a landscape proposal that outlines a hierarchy of functional open spaces populated by play areas. The planning authority are satisfied with the proposed landscape plan, subject to further detail regarding specifications. I too am satisfied that the landscape design approach will provide adequate levels of amenity for future occupants and is acceptable in terms of design and quantum.

10.6.2. The planning authority consider that further design consideration should be given to the boundary treatment to the N72. The applicant proposes to keep in situ a 1.6 metre high retaining wall and construct a stepped back new 1.8 metre block wall and include retained planting to the roadside margin. Garden trees are proposed to three storey duplex units along this boundary. I am not convinced that the drawings submitted are adequately detailed or adequately illustrate what the boundary to the N72 would look like. In addition, given the change in level between the back gardens of units 1-24 and the N72 road edge a more robust design solution is required. This

may entail tree planting in the road margin, if possible. However, such design changes will require further consultation with the planning authority.

10.7. Traffic and Transport

10.7.1. The applicant has submitted a development proposal that will increase traffic generated in the area. Consequently, a Traffic and Transport Assessment has been prepared. The report includes a traffic assessment on three junctions; the existing Hazel Brooke junction with Spaglen Road (J1), Ballyvinitter Road to Spaglen Road (J2) and Ballyvinitter Road to N72 (J3). In addition, an assessment is made of the Clock House Junction and Blackwater Bridge in Mallow town centre (J4, J5 and J6). In summary, the applicant anticipates no adverse impacts to junctions in the vicinity of the site. However, footpath and pedestrian crossing improvements would improve accessibility to the town and improve junction efficiency and safety, these are proposed by the applicant. The delivery of the N72 Relief Road would downgrade the junction of Ballyvinitter Road and N72 (J3), and improve capacity at this location. With respect to the town centre (J4, J5 and J6), the assessment concludes that traffic generated by the development will have a minimal impact upon the town centre traffic. With a combined percentage increase of no than 2% at all three town centre junctions on top of 2017 measured junction flows.

10.7.2. In broad terms the planning authority welcome the proposed improvements to the road network in the vicinity of the development, namely footpath, crossing and junction improvements. I too am satisfied that the proposed improvements to the immediate road network adjacent to the proposed development are warranted and adequate. In addition, I am satisfied that the proposed development provides access points to development lands either side of the site and this will encourage future vehicular, pedestrian and cycle permeability.

10.7.3. Roads and Development Contributions

The Board should note that the planning authority have sought the attachment of a Special Contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, to cover the cost of improvements to junction J3 and works to Mallow Bridge. The planning authority have acknowledge that the proposed development will not significantly impact upon existing issues with the Spa Glen/N72 junction known as the Ballylough Cross or J3 in the applicant's documentation.

However, they raise concerns that future build out of zoned lands in the area will significantly impact on the deficiencies at this location. Therefore, a special contribution is sought at €277 per unit, in common with similar contributions levied on other development in the area. In addition, the planning authority envisage that commuting traffic will significantly impact the centre of Mallow Town and seek a special contribution to alleviate town centre traffic problems. In total, the planning authority seek a special contribution of €339,273 to cover the cost of improvements to junction J3 and works to Mallow Bridge, as detailed in the planning authority's condition 62. The Board should note that resulting from item 3 of the specific information regarding the upgrade of roads and footpaths in the area, requested in the Board's notice of pre-application consultation opinion, the applicant has set out the costs to be incurred by them for local road improvements. The applicant states that given the negligible increase to town centre traffic from their development and the works they propose to carry out to the road network in the vicinity; no special contributions should be applied.

10.7.4. The Board should note a current appeal in relation to a residential development at Clonmore, Ballyvinitter, Mallow, ABP-301221-18 refers, and other recent appeals in Mallow that concern Special Contributions. I recommend a consistent approach to levying special contributions. In this respect, the Board should be satisfied that any Special Contribution condition accords with the provisions of Section 48(2)(c) of the Planning and Development Act 2000, as amended, and be satisfied that the particular works referred to by the Council's condition 62, while not all required to facilitate the proposed development, would all benefit the proposed development. Further advice on this matter is outlined in the guidance provided by the Department entitled - Development Contributions Guidelines for Planning Authorities 2013 and Section 7.12 of the Development Management Guidelines, 2007.

10.7.5. In this regard, I note that Cork County Council's General Contribution Scheme provides a breakdown of scheme rates in relation to Roads and Amenity. The general scheme outlines rates with respect to Roads and Amenity, however, no mention is made in the general scheme of works needed to improve town centre or other junction improvements in Mallow. I note that reference is made to Key NSS projects and Key Regional Projects in the County Development Plan, but none relate to the specific works outlined by the planning authority in relation to this

development. It is likely that the costs arising would not be specific to the proposed development nor exceptional as to warrant further contribution over and above that covered by the general contribution scheme. Any improvement works would be of general benefit to the wider community. The J3 junction and town centre road network upgrades would benefit both the development and the wider Mallow area and would provide broad improvements to traffic flows, pedestrian safety, convenience and mobility. It is also likely that such projects would be pursued whether the development was to proceed or not.

10.7.6. The Development Management Guidelines advice on this matter states that circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. I consider that the benefit deriving from J3 junction improvements and Mallow Bridge works are more widespread. In addition, the proposed J3 junction upgrades and works to Mallow Bridge would represent public infrastructure and facilities which would probably benefit the proposed development but are not necessary to facilitate the development. In my mind, existing and planned developments throughout Mallow will benefit from the public infrastructure provided and therefore perhaps the improvements to the road network should be incorporated in the general development contribution scheme. I am not satisfied that the attachment of a Special Contribution condition in this instance is warranted.

10.8. **Childcare and Part V Social Housing Provision**

10.8.1. Childcare - The applicant has proposed a childcare facility with a floor area of 115 sqm. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings, i.e. 40 spaces for the development. The proposed creche facility will cater for 20 children and the applicant considers this to be of an adequate size for the overall development. The creche will be delivered in the final phase of a three phase development.

10.8.2. The applicant does not make a case for the provision of childcare space below that advised in the guidelines. I note that Appendix 2 of the Childcare Guidelines provides advice in relation to the application of one childcare facility per 75 dwellings. I note the comments made by the planning authority with respect to the size of the facility,

its design and delivery. Given the composition and mix of house types proposed, including approximately 25% two bedroom units, I am satisfied that the provision of a smaller scale childcare facility is acceptable in this instance. Should demand increase, I note that the childcare facility site area is of a sufficient size to accommodate further expansion subject to a future planning application. Finally, given the prominent corner location of the childcare facility and the likely demand for childcare places, it would be preferable to complete the building in the first phase of construction.

10.8.3. Part V Provision – The applicant has proposed 14 dwelling units, comprising: 6 two bedroom townhouses (type F 80 sqm), 2 three bedroom townhouses (type F 90sqm) and 6 three bedroom semi-detached houses (type E 90 sqm). The proposed units are dispersed throughout the overall layout. This broadly accords with the requirement to provide 10% social housing. The Council's Housing Department have stated an agreement in principle in relation to Part V obligations and this will be finalised after the grant of permission. The proposed location of the social housing units are spread throughout the development and provide a mixture of two and three bedroom units. I note that the planning authority have not raised issues in relation to the provision of Part V housing, in any event the matter can be resolved by condition as necessary.

10.9. **Infrastructure and Flood Risk**

- 10.9.1. The specific information regarding Flood Risk Assessment requested in the Board's notice of pre-application consultation opinion, has been submitted by the applicant. The south-eastern boundary of the site runs along the bank of a watercourse, known as the South Caherduggan River or Spa Glen Stream. The topography of the site is such that ground slopes down to the stream and forms a noticeable bowl and relatively steep slopes. Flood Zones A and B have been identified for an area bounding the stream, but due to the gradients involved the extent of the flood zone is tightly confined to the stream edge. The proposed site layout indicates open space and dense planting in this area of the site.
- 10.9.2. The applicant has submitted a Site Specific Flood Risk Assessment, prepared in accordance with the Planning System and Flood Risk Management guidelines. The report concludes that the finished floor levels of houses will be significantly above the

CFRAMS Q1000 flood level and all surface water drains will be sized to prevent pluvial flooding. The existing attenuation facilities will be utilised and a new attenuation facility will be constructed to control run-off rates. No development will take place on a floodplain, so there will be no changes to the flooding extent as a result of the development.

10.9.3. The assessment concludes that flood risk will not be increased elsewhere as a result of the proposed development. The planning authority are satisfied with the findings of the report and subject to a minor detail regarding surface water attention, find the proposal acceptable in terms of flood risk and surface water management. No element of residential development is proposed within Flood Zone A or B and having regard to the information before me and including the guidance contained within the relevant Section 28 guidelines on flood risk management, surface water and flood risk issues can be dealt with by condition.

10.9.4. I note that Irish Water (IW) confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. In the context of the information contained in the application, the proposed development can be satisfactorily serviced subject to technical conditions.

10.10. Environment / Ecology

10.10.1. Firstly, I note the comments of the Council's Heritage Officer. Specifically, I can appreciate the importance of retaining a 15 metre buffer zone of undeveloped land associated with the margins of the Caherduggan River. However, given the site constraints, the imperative to increase densities across the site and ultimately the location of apartment block J, the achievement of a semi-wild buffer zone may not be feasible or desirable from a residential amenity perspective. I note that the applicant has shown a separation distance between the apartment block and the river edge of 15.5 metres within which are located a footpath, grassed area and retained planting. I consider this to be an acceptable approach and a suitable balance achieved concerning the protection of the riparian corridor and the provision of an appropriate level of residential amenity. In this respect, it may be appropriate to ensure that the format and type of paving to be installed in proximity to the watercourse should be agreed between the developer and the planning authority prior to the commencement of development.

10.11. Archaeology

10.11.1. The planning authority acknowledge that due to the extent of previous ground disturbance of the site during the previous phase of development, the likelihood of subsurface archaeological may be comprised. However, it is recommended that an appropriate condition be attached to ensure that archaeological monitoring or testing of the site is maintained during construction. I concur with the comments of the Council's Archaeologist and given the scale of the site and the archaeological potential of the site agree that an appropriate archaeological condition should be attached in the event of a grant of permission.

10.12. Screening for Environmental Impact Assessment (EIA)

10.12.1. The applicant has submitted an Environmental Impact Assessment Report (EIAR) Screening report, in which they conclude that the proposed development does not trigger any requirement for an EIAR.

10.12.2. The current proposal is an urban development project that would be in the built up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 149 dwellings on 5.54 Hectares which is below the threshold, the site is just over half of the stated threshold of 10 Hectares. The criteria set out in schedule 7 of the regulation, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU, should therefore have be applied with regard to the characteristics and location of the proposed development, and with regard to the type and characteristics of its potential impact. The proposed development would be located on mostly brownfield land between existing development towards the edge of a settlement. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 site.

10.12.3. The development would result in the recommencement of works on an existing brownfield site. The majority of the development would be in residential use, which is the predominant land use in the vicinity. The proposed development would

use the municipal water and drainage services, upon which its effects would be marginal. In these circumstances, the application of the relevant criteria to the proposed development indicate that it would not be likely to have significant effects on the environment and that an environmental impact assessment of it is not required before a grant of permission was considered.

10.13. Appropriate Assessment

- 10.13.1. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site comprises a zoned serviced site located within the development envelope of Mallow Town. It is proposed to connect to public foul sewer and public watermain. A stream, the South Caherduggan River also known as the Spa Glen Stream bounds the eastern side of the site and joins the River Blackwater, 2.9 kilometres downstream. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site.
- 10.13.2. The applicant's Ecologist is satisfied that the risk of water pollution associated with the construction phase can be minimised and that potential for the works to give rise to significant negative effects on the Blackwater River Special Area of Conservation can be ruled out. Likewise, during the operational phase of the development, best practice management of surface water systems on site will ensure protection of water features. In this respect, I note the Screening for Appropriate Assessment Report submitted by the applicant, dated April 2018, that concludes significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any Natura 2000 sites.
- 10.13.3. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not significantly effect the integrity of the River Blackwater SAC (site code 002170) having regard to the nature and scale of the proposed development, infrastructure services in place and separation distances involved to the nearby Blackwater River SAC. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Recommendation

11.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

11.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

12.0 Reasons and Considerations (1)

Having regard to the site's location within the boundaries of Mallow as defined in the Kanturk Mallow Municipal District Local Area Plan 2017, to its proximity to the town centre and the proposal to provide footpath and junction upgrades, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of

traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The appropriate period for this permission shall be 5 years from the date of this order. The development shall be carried out within that period in accordance with a phasing plan that shall be agreed with the planning authority prior to the commencement of development. In particular:

(a) the plan shall stipulate that none of the authorised dwellings may be occupied until the proposed footpath and junction improvements on the Spaglen (L5331) and Ballyvinitter public road as shown on overall layout drawing GS-PL-002, have been constructed to the satisfaction of the planning authority.

(b) the plan shall stipulate that the childcare facility shall be constructed and completed in the first phase of development.

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

3. Secure and sheltered bicycle parking shall be provided for the authorised apartments and childcare facility which shall be conveniently situated near their entrances in a supervised location. Revised plans showing compliance with this

condition shall be submitted to the planning authority prior to the commencement of development.

Reason: To provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Guidelines for New Apartments issued by the minister in March 2018.

4. Provision shall be made for a cycleway within the development between existing and proposed development to the north east and south west. Details of such provision, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

5. 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.

6. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) details of hard surface finishes and paving materials in the vicinity of the South Caherduggan River, together with a management plan to ensure the protection of the semi-mature woodland and riparian corridor during construction;

(b) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed play equipment and street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site and specifically at the boundary with the N72, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

7. 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 and to ensure a proper standard of development.

8. (a) The internal road network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

(b) To facilitate connectivity and permeability, the finished surface of all roads and footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

9. 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 Housing Estate 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: In the interest of the amenities of the occupants of the proposed housing.

10. Public lighting shall be provided in accordance with a scheme, 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 unit.

Reason: In the interests of amenity and public safety.

11. Proposals for an estate/street name, unit 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

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

Reason: In the interest of the visual amenities of the area.

14. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

15. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times

will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

16. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This 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.

Reason: In the interest of orderly development and sustainable waste management.

17. 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 hours of working, noise management measures, construction traffic management plan and off-site disposal of construction/demolition waste. As well as the submission of an Alien Species Management Plan.

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

18. 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.

19. 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 acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Planning Inspector

04 July 2018