



An
Bord
Pleanála

Inspector's Report ABP-301538-18

Development

Residential development of 4 no. dormer dwellings (comprised in two semi-detached blocks) and all ancillary site works, including new entrance from the existing Charleston Court Development

Location

Charleston Court Development,
Bailick Road, Castleredmond,
Midleton, County Cork.

Planning Authority

Cork County Council.

Planning Authority Reg. Ref.

17/6673

Applicant(s)

Southgate Developments Ltd

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Siobhan Hayden

Observer(s)

Patrick and Vera Foley

Date of Site Inspection

6th September 2018.

Inspector

Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (of some 0.16 ha), is located approx. 1.5 Km to the South of Midleton town centre in the townland of Castleredmond close to Commissioners Quay in County Cork.
- 1.2. The site is located to the rear (south) of an existing, gated, private residential development known as Charleston Court. Charleston Court consists of two blocks of terraced dwellings (9 no. total).
- 1.3. Proposed access to the appeal site is via the existing gated entrance to Charleston Court. It runs through the two Charleston Court terraces via carriageway style archways and it is proposed to remove c. 6.795m of the stone block wall along the northern party boundary to gain access the appeal site.
- 1.4. The appeal site itself is heavily overgrown and the ground level rises from its roadside (western) boundary to the east (+5m). A recently constructed contemporary idiom dwelling is located to the immediate south. An apartment development known as 'Charleston Wharf' is located directly opposite the site to the west of Bailick Road. This development is constructed directly along the quay of the River Ballynecorra which is approx. 25m distant from the western perimeter of the subject appeal site.
- 1.5. The site is bounded by a high rubble stone wall along its western boundary with Bailick Road, a masonry block wall to its northern boundary with Charleston Court and a block wall to its southern and eastern boundaries.

2.0 Proposed Development

- 2.1. The proposal comprises permission for:
 - Residential development of 4 no. dormer dwellings (comprised in two semi-detached blocks)
 - New entrance from the existing Charleston Court Development.
 - All ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

Subject to Further information being requested with respect to (i) draft construction and environmental plan (ii) legal right to utilise right of way via the existing Charleston Court development (iii) impact upon private amenity space of existing dwelling to the south and (iv) visitor parking on site. And Clarification with respect to legal right to utilisation of the right of way via Charleston Court development, permission was granted subject to 27 number conditions. Conditions of note include:

C3 Opaque glazing shall be used for windows on rear elevation serving the bedrooms of dwelling units 1 and 2 (as per details received on the 26th January 2017).

C4 The existing planting on the rear (southern) boundary of the site shall be retained where possible unless otherwise agreed in writing with the planning authority.

C5 The layout and services for the estate shall comply with the standards set down in 'Recommendations for Site Development Works for Housing Areas'.

C6 Bond

C7 The developer shall retain wayleaves to the Planning Authority's satisfaction, over areas where services traverse private property. In the event of the planning authority deciding at its discretion to take the roads and services in charge the developer shall provide rights of way and way leaves over these areas to the planning authority. A minimum of 6m wayleave width shall be provided on all water service pipelines and surface and foul water sewers through private property. No residential development shall be undertaken within the wayleaves unless otherwise agreed with the p.a. Works shall not commence until any necessary wayleave agreements have been established.

C14 A minimum of 2 no. 5m x 2.5m parking spaces shall be provided for each residential unit, unless otherwise agreed with the p.a.

C17. The developer shall prepare and submit an internal traffic management plan prior to commencement of development identifying the locations of stop lines, pedestrian crossings, traffic calming measures and finalising the kerb lines / radii.

The plan shall be finalised to the satisfaction of the p.a. and the finalised plan shall be re-submitted prior to commencement of construction.

C20 Full details should be submitted in relation to the existing Management Company's intention to include the proposed dwellings within their current arrangements.

C21 The developer shall adhere to the construction traffic management plan submitted. Failure to do so may result in the works being suspended for a period of time until such plans are implemented.

C22 The developer shall ensure that the recommended sightlines are made available for the proposed development.

C24 Archaeologist required during construction works

C25 Silt fencing shall be installed down gradient of the silt storage area and to the west of the construction compound prior to commencement of any works on site. The silt fencing shall be inspected and maintained throughout the construction phase,

C26 Works shall take place in accordance with the CEMP which shall be prepared prior to the commencement of any construction works onsite.

C27 relates to public lighting.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planners Report sets out that in principle the proposed development is acceptable. The site forms part of the 'existing built up area' pertaining to 'Midleton Environs' (as per the East Cork Municipal District Local Area Plan 2017). The surrounding context is primarily residential uses thus the current proposal would be considered congenial to this existing pattern of development.

Area Engineer: Recommends a grant of planning permission.

Archaeologist Report: Recommends a grant of planning permission subject to condition.

Estates Primary: No objection subject to condition.

Public Lighting: No objection subject to condition.

Heritage Unit Primary Report: Initial report requested further information with respect to CEMP. Report subsequent to F.I sets out conditions for a grant of planning permission.

3.2.2. **Other reports:**

Irish Water: No objection subject to condition.

Inland Fisheries Ireland (I.F.I): No objection

3.3. **Third Party Observations**

Objections were submitted to the planning authority. Concerns raised are similar to those raised in the third-party appeal and observation summarised in detail below.

4.0 **Planning History**

4.1. **On the Subject Appeal lands**

PL Ref. No. 04/2082 Permission Refused for 4 number dormer dwellings and associated site development works. This application was refused as it was deemed there were inadequate sight distances available at the proposed access point.

4.2. **Immediately to the South**

PL Ref. No. 15/6556 Permission granted to Gerard Beausang for construction of a two storey dwelling, alterations to existing vehicular entrance and all associated site works.

5.0 **Policy Context**

5.1.1. Sustainable Residential Development in Urban Areas, 2009

5.1.2. Quality Housing for Sustainable Communities, 2007

5.1.3. Development Plan

The site is governed by the policies and provisions contained in the East Cork Municipal District LAP 2017.

The site is located within the development boundary associated with 'Midleton Environs'. It is designated part of the 'existing built up area' and is not specifically zoned.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is located approx. 10m east of Cork Harbour Special Protection Area (SPA site code 004030) and approx. 25 m from the Great Island Channel Special Area of Conservation (SAC site code 001058)
- 5.2.2. Cork Harbour SPA is designated for the occurrence of nationally or internationally important numbers of the following species: Cormorant, Shelduck, Oystercatcher, Golden Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, for a breeding population of Common Tern and for the regular occurrence of in excess of 20,000 wintering water birds.
- 5.2.3. Features of interest of The Great Island Channel SAC include mudflats and sandflats not covered by seawater at low tide and Atlantic salt meadows.

5.3. Grounds of Appeal

- 5.3.1. The third-party appeal is summarised as follows:
 - No consultation was carried out with the existing owners of the Charleston Court estate or consent sought from the owners to making this application.
 - The applicants do not have a right of way through the estate despite their claims to the contrary.
 - No right of way was mentioned in the deed of sale signed by Southgate Developments Limited (Vendors) and Kieran Murphy (Purchaser) when they sold the Charleston lands to him, their retained rights over the sold lands, amount only to permission to connect to the services of that estate and nothing else.

- Over development of the lands
- Inadequate provision of car parking to serve the proposed dwellings and visitor car parking.
- The construction works will cause enormous loss of amenity for a prolonged period of time to the residents of Charleston Court.
 - The existing access is restricted
 - There is a lack of adequate access through the estate to connect to the site in a suitable way to serve construction traffic
 - Unsuitability of the narrow estate roadway for construction traffic
 - Huge long-term consequences for the existing families living in the estate.
- Access difficulties for services vehicles.
- Lack of information regarding design
- The Council appears to have taken a laissez-faire approach to this application as it was presented as an extension to the existing Charlestown Estate.
 - Lack of amenity space proposed
 - No lighting design proposed
 - No foul sewer design proposed
 - No water main extension proposed

5.3.2. The Appeal is accompanied with:

- Copy of Deed of Sale dated 2nd June 2006
- Copy of Map showing the relationship between the site and the Charleston Court Development

5.4. Planning Authority Response

- No response received.

5.5. First Party Response

5.5.1. A first party response was received it is summarised as follows:

- Permission was refused under Reg. Ref. 04/2082 for 4 no. dormer dwellings on the subject appeal site with an entrance proposed onto the public road directly from the site. The reason for refusal related to lack of adequate sightlines.
- The lands would be essentially landlocked but for the protected access / potential route via Charleston Court.
- The deed of sale dated June 2nd 2006 is preceded by the Contract for sale between the vendors and the purchaser Kieran Murphy, dated May 5th 2006, which forms the pre-cursor to the Deed of sale and together they form the actual composite contract.
- The contract implicitly states at paragraph 22 that Southgate Developments Ltd retain rights of way / way leaves. Due to the refusal on the subject site for the four units it was imperative to retain future access from Charleston Court.
- Strongly refute the appellants allegation that the deed of sale supersedes the contract of sale or any of its caveats etc. settled law proves a contract supersedes a deed. The proposed development will be a defector extension of the Charleston Court development because of proximity and access but will have its own independence and identity.
- Charleston Court Development Ltd. Is a management company set up by Kieran Murphy
- The proposal for 4 no. units does not constitute over development and each property will have a curtilage which will provide private / semi private open space in excess of development control standards.
- Construction and environmental management plan will be put in place.
- It is proposed to temporarily dismantle a section of the wall facing the public roadway and together with a signalised traffic management arrangement allow all construction traffic go directly to and from the subject site without disturbing the Charleston Court residents.

- No heavy construction traffic will go through Charleston Court.
- The existence of the inner arch in the southern block of the Charleston Court development reinforces the applicants intended legally permissible access to the subject site.
- Most of the issues raised centre around the construction phase of the development. The CEMP resolves the issues raised.
- Response accompanied with:
 - A letter from McCullagh Wall Solicitors which sets out that they are satisfied that the contractual provision contained at special condition 22 reserves the necessary easements (to include a right of way and wayleave)
 - Copy of deed of sale for site at Charleston Close – special conditions

5.6. Observation

5.6.1. An Observation was submitted by Patrick and Vera Foley, it is summarised as follows:

- Area is prone to flooding
- Potential hazard to emergency vehicles access or egress
- There has been no investment in infrastructure or amenities in the area in 15 years
- Horrendous traffic issues at peak traffic times and any further development of the Bailick Road without correcting the infrastructure issues can only add to the problems.
- The proposal will be detrimental to the existing residents of Charleston Court and the residents of the surrounding area who need solutions to the flooding prior to any further development.

6.0 Assessment

I consider the key issues in determining this appeal are as follows:

- **Principle of the Development on the Site**
- **Right of Way Access**
- **Impact Upon Charleston Court Residents and Road Safety Issues**
- **Other Issues**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

6.1. Principle of the Development on the Site

- 6.1.1. As indicated in section 5.1.3 of this report, above, the appeal site is designated part of the 'existing built up area' and located within the development boundary associated with 'Midleton Environs' as per the East Cork Municipal District LAP 2017. The site is c. 1.5 Km from Midleton town and 400m from Ballinacurra Village.
- 6.1.2. Section 3.3.2 of the Plan states: 'Midleton is the largest town in east Cork and is located within the area defined as 'Metropolitan Cork' or the 'Cork Gateway'. The planning strategy for the Cork Gateway seeks to achieve significant future growth in population, employment and services, supported by high levels of community facilities, amenities and integrated public transport connections, ensuring the Gateway can be the location of choice for most people, especially those with an urban employment focus'.
- 6.1.3. The planning strategy for Midleton, as set out in the Cork County Development Plan 2014, provides for the population of the town and environs to grow to 21,576 persons, representing growth of 9,575 persons on the 2011 population. In order to accommodate this level of population growth, an additional 5,243 housing units need to be provided in Midleton. The East Cork Municipal District LAP 2017 makes provision for a residential land supply of 180 ha with the capacity to provide approximately 4,125 units. The Plan states: This, together with the Brownfield opportunities in the town itself (former Town Council), regeneration areas and

special policy areas bring the overall unit provision for the town of Midleton to 5,255, in line with the Core Strategy of the County Development Plan.

- 6.1.4. The proposed development, for four number, four-bedroom, dormer dwellings (comprising two semi-detached blocks laid out in a semi-detached fashion adjacent to the southern end of the site) has a density of 25 units per hectare. Dwelling no 1. of 152 sq. m, private open space of 125 sq. m rear garden depth of 11.6m. Dwelling no 2. of 149 sq. m, private open space of some 82 sq. m with rear garden depth of 8.2m. Dwelling no 3. of 149 sq. m, private open space of some 100 sq. m with rear garden depth of 9.2m. Dwelling no 4. of 149 sq. m, private open space of some 130 sq. m with rear garden depth of 12.3m. A minimum separation distance of 24m is proposed between the units and the existing southern block of town houses within the Charleston Court development. The proposed dormer dwellings have a ridge height of 8.3 m and the ground level is proposed to be lowered from 102.5m OD at the eastern part of the site to 100m OD. The FFL of the dwellings across the site range from 98.37 m OD to 100m OD.
- 6.1.5. The nature and scale of the proposal is compatible in principle with the existing pattern of development and the policies and objectives of the East Cork Municipal District LAP 2017. I do not agree with the appellant that the proposal would give rise to over development of the site. The design and layout of the development clearly has cognizance to existing pattern of development. I note the planning history of the site and its constraints, however, the site is clearly an un-used infill site. Issues of Right of Way access, traffic and impact upon Charleston Court residents will be discussed further in the subsequent sections of this report.

6.2. Right of Way Access

- 6.2.1. The third party strongly asserts that the applicant does not have a legal right of way to access the proposed development via the existing Charlestown Court development. It is submitted that no consultation was carried out with the existing owners of the Charleston Court estate or consent sought from the owners to making this application. It is contended that no right of way was mentioned in the deed of sale signed by Southgate Developments Limited (Vendors) and Kieran Murphy (Purchaser) when they sold the Charleston lands to him, their retained rights over

the sold lands, amount only to permission to connect to the services of that estate and nothing else.

- 6.2.2. The first party submit that they have full legal permission to exercise their powers under their contract of sale to access the appeal site. It is submitted that the deed of sale, dated June 2nd 2006, is preceded by the Contract for Sale between the vendors and the purchaser Kieran Murphy, dated May 5th 2006 (a copy of this document has been submitted). It is submitted that this forms the pre-cursor to the Deed of sale and together they form the actual composite contract. It is contended that by way of paragraph 22 of the contract that Southgate Developments Ltd retain rights of way / way leaves. The first party's opinion is supported by way of a letter from McCullagh Wall Solicitors which sets out that they are satisfied that the contractual provision contained at special condition 22 reserves the necessary easements (to include a right of way and wayleave).
- 6.2.3. It is clear that the planning authority considered this matter in detail. The applicant was requested by way of further information and clarification to provide proof of their right to use the access proposed. It was ultimately concluded that albeit it has not been categorically determined, that the p.a. are not the arbitrator of such civil disputes, that the role of the p.a. is to consent or otherwise to the land use. Disputes over title / ownership should be resolved via the appropriate channels i.e. the civil courts.
- 6.2.4. I agree with the planning authority on this matter. I consider that the applicant has submitted sufficient legal estate or interest in the land for the purpose of a grant of planning permission. I highlight that it is also not the role of An Bord Pleanala to adjudicate on civil property disputes, this is a matter for the courts. Section 34(13) of the Planning and Development Act 2000, as amended, sets out that a person shall not be entitled solely by reason of a permission to carry out any development.

6.3. Impact Upon Charleston Court Residents and Road Safety Issues

- 6.3.1. Observers to the appeal have raised concern with respect to; inadequate car parking, constrained access for emergency vehicles and construction traffic and inappropriate access for future residents to the site via the Charlestown Court Estate. From my site visit I can confirm that the access via Charlestown Court is

gated and restricted in terms of width and height, with under carriageway style arches. The existing estate is finished to a high standard and given the layout, design and nature of the development I agree it would be highly undesirable to use the existing access via Charlestown Court as a construction access route.

- 6.3.2. It is notable, however, that this is not the intention of the first party. If permission is granted it is proposed to temporarily dismantle a section of the wall facing the public roadway and together with a signalised traffic management arrangement allow all construction traffic to go directly to and from the subject site without disturbing the Charleston Court residents. No heavy construction traffic will go through Charleston Court. I note the draft CEMP submitted in response to further information. It gives draft details of the proposed construction measures to be put in place along with water protection measures, environmental protection measures, compound and material storage areas.
- 6.3.3. The applicant submits that a detailed traffic calming / traffic management plan and a construction and environmental management plan will be put in place. I note that both are the subject of condition of the draft decision to grant planning permission by the planning authority. I note in particular Conditions 17, 21 and 26 of the draft decision to grant planning permission (see section 3.1 of this report above for detail) and recommend that should the board agree permission should be forthcoming that similar conditions be attached to any grant of planning permission.
- 6.3.4. Regard being had to the location of the site within the urban fabric and 'existing built up area' of Middleton, I acknowledge that some disruption (noise and dust) would result to neighbouring properties, during the construction period, however the plans proposed by the applicant to ameliorate same are considered acceptable. Given that the period of construction would be for a finite period of time I consider that it would not be reasonable to refuse planning permission on such grounds.
- 6.3.5. Two car parking spaces per residential unit is proposed, given the level of development proposed I see no fundamental impediment to the proposed development from a car parking, general access or emergency access perspective.
- 6.3.6. The proposal to construct four additional dwelling units to the rear of an existing small townhouse development, where existing services and access are in place is considered acceptable. I consider that subject to a construction management plan

and a temporary construction access being put in place and required by way of condition, of any grant of planning permission, that the proposed development would be acceptable from a construction access and management point of view.

6.4. Other Issues

- 6.4.1. Concern have been raised with respect to design, lack of open space, flooding and inadequate infrastructural services.
- 6.4.2. Access to the scheme is via the existing Charlestown Court scheme. The existing terrace to the north of the proposed site includes a second archway over a surfaced roadway. The applicant submits that this was always intended to serve the proposed additional phase of the Charlestown Court development. Given the planning history it is contended that should access via the existing development be considered unacceptable that the site would be essentially land-locked. This is a small development of 4 additional units, only, public services are in place to accommodate the proposal. Irish Water (IW), the estates engineer and the area engineer have indicated no objection to the proposed development.
- 6.4.3. As discussed in the preceding section of this report the density, layout and design of the proposed scheme is considered acceptable. This is a small development on an infill site, I agree with the first party that there is sufficient incidental public open space to serve the development and adequate private open space is proposed.
- 6.4.4. The site falls outside the area deemed susceptible to flood risk as per the current East Cork Municipal District LAP 2017. Notwithstanding it is noted in the planning authority report on file that the flood risk zones terminates at the sites western boundary and the Bailick road has in the past been susceptible to flood risk. In this respect it is noted that FFL's proposed are above 1:1000 AEP. I note that the area engineer has indicated no objection to the proposal from a flood risk perspective. I consider given the level of development proposed, the appeal site location, established pattern of development in the vicinity and measures proposed in terms of FFLs that the proposal is acceptable in this regard.

6.5. Environmental Impact Assessment (EIA)

- 6.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, 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.

6.6. Appropriate Assessment (AA)

- 6.6.1. The appeal site is located approx. 10m east of Cork Harbour Special Protection Area (SPA site code 004030) and approx. 25 m from the Great Island Channel Special Area of Conservation (SAC site code 001058).
- 6.6.2. The planning report on file, subsequent to further information being submitted sets out that the Heritage Officer has reviewed the application and has no objection subject to conditions with respect to silt fencing and CEMP being put in place. This is a serviced infill site within an existing built up area.
- 6.6.3. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites. 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.

7.0 Recommendation

I recommend that planning permission should be Granted subject to the following conditions.

8.0 Reasons and Considerations

- 8.1.1. Having regard to the land-use zoning of the site, its location and established pattern of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would not give rise to a traffic hazard, be prejudicial to public health or injure residential amenity of property in the

vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th October 2017 and the 26th January 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. (a) Opaque glazing shall be used for first floor rear windows serving the bedrooms of dwelling units 1 and 2.

(b) The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass.

Reason: To prevent overlooking of adjoining residential property

3. That this permission authorises 4 residential units, only. Each proposed residential unit shall be used as a single dwelling unit.

Reason: In the interests of development control

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

Reason: In the interest of visual amenity.

5. 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.

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

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity

7. The development shall comply with the requirements of the Engineering and Transportation Division of Cork County Council:

a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

b) The layout and services for the estate shall comply with the standards set down in 'Recommendations for Site Development Works for Housing Areas' (Dept. of the Environment and Local Government, 1998) and with the Standard Requirements of the Planning Authority. Where conflicts arise between different Standards, or between Standards and planning permission, or between different planning permission requirements, clarification shall be sought from the Planning Authority. Any conflict shall be resolved to the satisfaction of the Planning Authority.

c) The developer shall retain wayleaves to the Planning Authority's satisfaction, over areas where services traverse private property. In the event of the Planning

Authority deciding at its discretion to take the roads and services in charge the developer shall provide rights of way and wayleaves over these areas to the Planning Authority. A minimum of 6 m wayleave width shall be provided on all water service pipelines and surface and foul water sewers through private property. No development shall be undertaken within the wayleaves unless otherwise agreed with the Planning Authority. Works shall not commence until any necessary wayleave agreements have been established.

d) The Developer/Applicant shall prepare and submit an internal traffic management plan prior to commencement of development identifying the locations of stop lines, pedestrian crossings, speed table ramp traffic calming measures, finalising the kerb lines/radii. The plan shall be finalised to satisfaction of the Planning Authority and finalised plan re-submitted prior to commencement of construction.

(e) The developer shall adhere to the construction traffic management plan submitted. Failure to do so may result in the works being suspended for a period of time until such plans are implemented.

(f) Silt fencing shall be installed down gradient of the silt storage area and to the west of the construction compound prior to commencement of any works on site. The silt fencing shall be inspected and maintained throughout the construction phase.

Reason: In the interest of traffic safety.

8. All trees and planting along the southern boundary of the site shall be protected during building operations and retained thereafter.

Reason: In the interests of residential and visual amenity

9. 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 interest of public safety and visual amenity.

10. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

11. 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. 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 interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

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. 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 of roads, footpaths, watermains, drains, 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 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 of the development

15. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Fiona Fair
Planning Inspector
24/92/2018