



An
Bord
Pleanála

Inspector's Report ABP 302798-18.

Development	Fifty-one residential units comprising two, two-bedroom detached dwellings, one three bed detached dwelling, forty-two three bed semidetached dwellings, six, four bed semi-detached dwellings, water and sewer connections and site works.
Location	Loughvella, Lahinch Road, Ennis,
Planning Authority	Clare County Council.
P.A. Reg. Ref.	17/977
Applicant	Callanan and Walsh Construction
Type of Application	Permission
Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Kevin and Midori Hayes,
Observer (1)	Cecil and Marie McDonagh and others.
Observer (2)	Vera and Anne Marie Griffin
Date of Inspection	6 th December, 2018.
Inspector	Jane Dennehy

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Site Location and Description

- 1.1. The site has a stated area of 2,335 square metres and is located to the north side of the N85 Lahinch Road to north west side of Ennis approximately two kilometres from the town centre. It is accessed from the internal access road serving existing residential development and enclosed by timber hoarding. The level rises towards the north level is elevated rising towards to north and the ground. The ground is cleared and there has been some alteration where levels adjacent to site boundaries with properties at Woodview, Ros Na Ri and Woodlawn in which there is some fill are raised and there is a steep drop. Walls and indigenous hedgerows are located along the boundaries between rear gardens of properties in Woodview, Ros na Ri and Woodlawn and the application site.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for a residential development of fifty-one residential units comprising:

- two, two-bedroom detached dwellings,
- one three bed detached dwelling,
- forty-two three bed semidetached dwellings,
- six, four bed semi-detached dwellings,
- water and sewer connections and site works.

A further information submission was lodged on 30th May, 2018 and a clarification of further information submission was lodged on 16th August, 2018 in response to requests issued by the planning authority on matters relating to levels, layout buffer space boundaries and boundary treatment and landscaping.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 20th September, 2018 the planning authority decided to grant permission subject to conditions

Condition No 2 A contains a requirement that the layout is to accord with the drawing no 421-pa-20 REV B lodged with the planning authority on 16th August, 2018.

Condition No 2 (b) contains a requirement for house types on individual sites to accord with the drawing 410-pa- 205 Rev A lodged with the planning authority on 15th June, 2018. As follows.

- (i) Single storey house types No 6 for site Nos 47 and 48.
- (ii) Dwelling on the buffer to the west of No 22 Cloonbeg (site 51 on drawing 410 pa-205 Rev A) to be omitted and the area to landscaped
Dwelling on open space zoned land east of house No 33 Shanacloon (Site 50) on drawing No 410-pa to be landscaped.

A compliance submission is required.

Condition No 4 contains a requirement that:

- (a) boundary treatment between back gardens at upper level of houses Nos 43-47 to be concrete post and timber panel fenced to a minimum height of 1.8 metres.
- (b) Boundary treatment between back gardens (lower level) of Houses 43-47 shall be concrete blockwork walls and shall not exceed two metres in height.
- (c) Retaining walls at the rear of house 43 to 48 to be in accordance with the details provided to the planning authority on 30th May and 16th August, 2018.
- (d) Development to be open plan as per drawing 410-pa-Rev B on 16th August. exempt development entitlements for front boundary walls and fences removed.
- (e) boundary walls facing public open space or the public road obe1.8 metres in height and faced in stone.
- (f) boundary treatment on south east boundary with Woodview to be concrete block and two metres high on retaining wall foundations and otherwise in accordance with cross section drawing 410-pa-207 lodged on 30th May, 2018 and site layout plan 410—a-201 Rev-B lodged on 16th August.

(g) Rear boundary of houses no 1-8 and 25-32 to accord with details on drawing 410-pa-203 Rev A received by the planning authority on 30 May.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further to issue of multiple item requests for additional information and clarification of additional information to which responses were received on 30th May, 2018 and 16th August,2018, regarding impact on adjoining properties in relation to layout, boundary treatment, buffer zones, levels, dwelling mix, drainage, internal roads layout and pedestrian facilities the planning officer indicated satisfaction with the proposed development.

3.2.2. Other Technical Reports

The roads design office in its report recommended that clarification be sought on some details of the internal roads layout.

The report of Irish Water indicated no objection to the proposed development.

3.3. Prescribed Bodies

- 3.3.1. Transportation Infrastructure Ireland (TII) in a submission dated, 23rd January, 2018 states that the proposed development is at variance with DOECLG *Spatial Planning and National Roads: Guidelines for Planning Authorities* (2012), would set precedent for further development adversely affecting the operation and safety of the national road network. It includes a recommendation for a road safety audit to be carried out by an independent engineer if permission is granted with amendments required incorporated into the grant of permission.

3.4. Third Party Observations

- 3.4.1. The planning officer in his reports includes a detailed account of the issues raised by each of the thirteen observer parties who are occupants of properties adjoining the application site. Most of the concerns relate to specific details relating to boundaries, proposed construction and the proposed layout of the scheme in the areas close to their properties.

4.0 Planning History

P. A. Reg. Ref. 00/149: Outline permission for five house and permission for 197 houses, creche, shops and associated site development works was granted on 24th January, 2003 subject to seventy-one conditions. The planning authority has an enforcement file for this development in relation to the conditions attached to the grant of permission.

According to Condition No 30 a two metres' high block capped wall is to be erected along the boundary of the site with Woodlawn, on the development side of the existing hedgerow and no hedgerows are to be removed without the prior written consent of the planning authority.

According to Condition No 31 a two metres' is to be erected along the boundary of the site with Woodview on development side of the existing hedgerows where proposed housing backs onto existing housing and no hedgerows are to be removed without the prior written consent of the planning authority

P.A. Reg. Ref. 09/81: Permission was refused for construction of four houses at Moyard, Loughville on ground of premature development pending availability of sewerage facilities necessary to overcome existing deficiencies and unsatisfactory proposals for compliance with Section 96 of the Act.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Clare County Development Plan, 2017-2023 according to which the site is located within an areas subject to the zoning objectives:

Residential: providing for residential use and other uses that have potential to foster new residential communities.

Buffer: an area intended as a buffer of undeveloped land for the conservation biodiversity, visual amenity or green space.

Open space: Lands to be retained as undeveloped open space mainly for passive open space related activities but which can contain active play facilities as a small component of the overall area.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from John T Garrett and Associates on behalf of Kevin and Midori Hayes of 20 Woodlawn on 17th October, 2018 according which the appellant supports the development on the site and there is no objection in principal to it.
- 6.1.2. Attached to the appeal are copies of folio documentation, correspondence issued by the Health and Safety Authority to the developer, correspondence between the planning authority and the appellant's agent in relation to the appellant's concerns about the condition of the boundary between the application site and No 20 Woodlawn, the appellant party's property and the application site in connection with the current application. A summary of the content in this correspondence is included in the appeal.
- 6.1.3. In the appeal it is stated that:
- Damage was caused at the rear of the appellant's property in 2007 and remedial works have still not been undertaken. The damage needs to be made good and the boundary reinstated so that it is structurally sound. The boundary is located on filled ground and the proposals shown on Drawings 410-PA-201- Rev B and 401-PA-208-Rev will not satisfactorily address the concerns of the appellant. There are serious concerns about this and about safety implications for existing residential properties. It is requested that if permission is granted, a condition should be included with a requirement for the rear boundary to No 20 Woodlawn to be reinstated in a permanent manner by construction of a retaining wall prior to commencement of development.
 - The requirements of Condition Nos 4 (b) and 4 (c) are not satisfactory. The boundary fence will collapse. Ground at an angle of forty-five degrees will collapse.

Condition No 4 (b) states, that the boundary treatment between individual gardens (upper level) of houses no 43 to no 47 shall be concrete post and timber panel fence to a minimum height 1.8 m. The boundary treatment between individual back gardens (lower level) of house no 43 to 47 shall be concrete blockwork walls and shall not exceed 2 min height.

Condition 4 (c) states “Retaining walls to the rear of house Nos 43 to 48 shall be provided in accordance with details received by the planning authority on 30th May, 2018 and 16th August, 2018.

- The planning authority should have used funds from the (Security) bond for the grant of permission under P. A. Reg. Ref. 00/149 to take control and have the remedial works carried out in the interest of common good. The appellant will work constructively with the local authority in agreeing details of the remedial works.
- The construction of the retaining wall should be on natural formation on the low side of the embankment with the top of the wall level at the garden level of No 20 Woodlawn. A two metres high concrete block screen wall should be constructed on top of the retaining wall and the land within No 20 Woodlawn should be backfilled and reinstated to the original level along with planting of semi mature trees in the appellant’s property adjacent to the boundary. Land drainage should also be provided.
- The appellant’s agent in the submission draws attention to Condition No 30 attached to the grant of permission under P. A. Reg. Ref. P00-149 and refers to documentation issued by the planning authority about non-compliance. The requirement of this condition is to ensure a two metres high block capped wall is erected along the boundary with Woodlawn on the development side of existing hedgerows. It is contended that hedgerows were removed with the prior written permission of the planning authority and that they should be suitably replaced. It is necessary to ensure a secure adequate and aesthetically pleasing boundary treatment for the entire development site to include the area between house no 43 and the compound area especially between the development and the adjacent properties at Woodlawn according to the appeal.

6.2. Applicant Response

6.2.1. A submission was received from Derek Conneely on behalf of the applicant on 15th November, 2018 attached to which is a written statement by Ignatius Greeney, consulting engineer according to which:

- The history relating to the boundary is well documented.
- The applicant does not have planning permission to carry out works to the boundary.
- It is acknowledged that the boundary is disturbed but there is no conflict about it. It is a simple matter to set out by measuring from the front boundary of the appellant property. (Folio CE 5490F refers.) There is no conflict with Folio CE55490F. Setting out the line can be agreed by both parties.
- Some retaining structure is required at the boundary as shown on Drawing 18-105-10 Rev A in the further information submission. The retaining wall is satisfactory from a structural perspective. Detail in Section E-E caters for the maximum ground level differential of six metres. The variation at the back of the appellant site is four to six metres. The concrete section is three metres with a sloped embankment to a maximum eight of three metres over a minimum horizontal distance of four metres. A gradient of 36 degrees is less than the angle of the repose of the soil and this is safe. This is the worst point in terms of the gradient and the horizontal distance increases from four metres rapidly. The retaining wall is satisfactory from a structural perspective. (There is no reference in the appeal to the structural drawings.)
- The boundary will be reinstated with fence and dense landscaping on gradient similar to the existing as demonstrated in photos taken in 2009 of boundary/retaining wall pre and post landscaping.
- The suggestion by the appellant of non-compliance with Condition No 30 of grant of permission under P.A. Reg. ref 00/149 is noted but it was resolved by the enforcement section over ten years ago. A two metres high wall has been erected on the development side of the boundary. The existing boundary is retained and any damage to the developed area was reinstated. The wall is

in reinforced concrete and not block for structural reasons. The wall is landscaped over so the texture and capping therefore are irrelevant.

- The boundary solution in the current application is similar to the boundary already built on the completed section of the site to the satisfaction of the planning authority. It is an attractive solution to a complex boundary situation. (P.A.Reg.Ref.00/149 refers.)

6.3. Planning Authority Response

A submission was received from the planning authority on 12th Novemebr,2018 attached to which is a copy of the Bond lodged with the planning authority as security in connection with the grant of permission under P. A. Reg. Ref. 00/21149.

It is stated that:

- The bond security could not be used to make good alleged damage to the rear boundary of a private property. The layout, (16th August, 2018) shows that the appellant property will have a boundary with House Nos 46 and 47 within the development which will be private property.
- The assertion that the retaining wall structure between the appellant's property and the application site will collapse has been noted. It is the developer's responsibility to ensure structural integrity within the site of the overall development.

6.4. Observations

6.4.1. Cecil and Marie McDonagh, Thomas and Mairead Sheedy, Tony and Liz Finucane and Nuala Casey.

A submission was received from Coleman Associates on behalf of the Observer party comprising residents at Woodview on 12th November, 2018 according to which:

- It is understood that the application will be considered *de novo*. There are concerns about the original layout and boundary treatment at the rear of the observer party properties in Woodview. The revisions in the site layout shown in the further information submission are satisfactory and it is requested that if

permission is granted, these revised proposals submitted to the planning authority on 16th August, 2018 be approved.

6.4.2. **Vera and Anne Marie Griffin 21 Woodlawn**

In a submission received on 8th November, 2018 it is stated that concerns about the boundary treatment with No 21 Woodlawn are not adequately addressed in the application. It is also requested that:

- existing hedgerows be retained and protected, that finished ground levels and retaining walls ensure stability of ground conditions be maintained at No 21 Woodlawn during and after construction. The details on drawings 410-pa-201 clarification site layout plan 1 of 2 and 410-pa-208-clarification-site sections 1 (c) (i), 1(c) (ii) and section A (iii)
- Site section 1 (c) (ii) be through No 21 Woodlawn and should include the section through the house at No 45 of the proposed development.

7.0 **Assessment**

- 7.1. The issues raised in the appeal substantively relate to the dispute over works commenced on foot of a grant of permission under P. A. 00/149 and contentions as to failure to comply with requirements of conditions which were attached to this grant of permission. The issues raised in the appeal relate to a matter of dispute over prior works carried out following commencement of works, site clearance and groundworks at the site which were undertaken. Construction of the permitted dwellings at the application site were not commenced.
- 7.2. A dispute relating to works and alleged damage at the boundary with the appellant's property remains unresolved. Issues as to possible failure to comply satisfactorily with conditions attached to the prior grant of permission in respect of which development was commenced are matters to be investigated and, if warranted pursued through resort to the legal system by the planning authority. The planning authority has an enforcement file relating to this matter.
- 7.3. The claim as to damage caused by the works undertaken in connection with the prior grant of permission and implications for structural integrity at the property of the appellant party and/or encroachment is a matter to be resolved between the parties

through the legal system. It should also be noted that Security Bond funds cannot be made available to cover the cost of completion of works in areas that are not designated as communal and to be in public ownership such as internal roadways, public open space and services and utilities.

- 7.4. The current application allows for completion of development on the lands adjacent to the properties at Nos 19, 20 and 21 Woodlawn where development was previously commenced on foot of the grant of permission under P.A. Reg. Ref.00/149. The layout shown in the current application indicates residential units on the lands directly at the back of the existing housing at Woodlawn adjoining the application site boundary. Within the layout, the application site land at the south west corner up to the boundaries with the existing residential properties at Nos 35-37 Ros na Ri and adjacent to Nos 19, 20 and 20 Woodlawn is distributed into the private rear garden spaces for proposed dwellings within the development. As and as a result this space would come into the private ownership of the individual house owners following sale of the houses and, in effect results in reliance on the future occupants for maintenance and security of these lands.
- 7.5. It is considered that within the clarification of further information submission, (in which House No 49 is omitted) which supplements and supersedes the prior application and further information submissions, appropriate proposals for these lands adjacent to the boundary have been made. The proposals provide for stepped retaining wall construction and a two metres' high block wall on the development side of the property boundaries of Nos 19, 20 and 21 Woodlawn which, subject to implementation satisfactorily with regard to structural engineering design and construction methodology are acceptable.
- 7.6. While it is considered that the potential practicable utility and amenity value of the resultant extended rear garden areas is limited the proposed karstic woodland plantation is aesthetically pleasant and provides for a high level of privacy and separation between the existing and proposed properties. There is sufficient rear garden space directly to the rear of the dwellings of satisfactory quality.

It is considered that subject to satisfactory completion of the development in accordance with the proposals.

- 7.7. It is agreed that the timber fencing indicated for the boundaries between the proposed dwellings at Nos 44 to 48 may be insufficiently robust, but it may be more appropriate given the proposals for the karstic woodland planting. It would be acceptable for block wall construction along the party boundaries as far as the retaining wall construction to the rear of the properties.
- 7.8. In view of the foregoing, it is considered that the proposed arrangements with regard to the area adjacent to and the relationship with the adjoining properties at Nos. 19-21 Woodlawn are satisfactory.
- 7.9. Elsewhere within the development it is noted that retaining wall construction is proposed on the inner side of a new site boundary with Nos 6-11 Woodview with space on the outer side being transferred to the Woodview properties. There is no objection to these proposals and it is noted that the submissions lodged by the observer parties generally indicate residents' acceptance of the proposed arrangements.
- 7.10. On review of the application *de novo*, the planning officer's assessment of the original and revised proposals in the supplementary submissions are considered comprehensive. As a result, the layout, housing type and dwelling mix, integration with surrounding development and the wider urban landscape especially regarding the variation in ground levels in the area, quality of open space provision and landscaping and the road network are considered satisfactory.
- 7.11. **Environmental Impact Assessment Screening.**
- 7.11.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.12. Appropriate Assessment Screening.

- 7.12.1. The nearest European sites is the River Shannon Special Area of Conservation. (002165) which is circa two kilometres to the east of the site location. There are no direct pathways to the sites from the site of the proposed development.
- 7.12.2. The project is a residential development within and surrounded by suburban residential development in a serviced area and is to be connected to public sewer network and storm water drainage system.
- 7.12.3. Having regard to the nature of the proposed development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing it is recommended that the planning authority decision to grant permission be upheld with some minor amendments and addition to the requirements of the conditions.

9.0 Reasons and Considerations

Having regard to the Clare County Development Plan, 20187-2023 according to which the areas within the site are subject to the zoning objectives. 'Residential', 'Buffer' and 'Open space', to the layout of the proposed development, to the established pattern and layout of existing development adjacent to the site location and within the area and, to the planning history, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area, would not depreciate the value of properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 30th May, 2018, 15th June, 2018 and the 16th August, 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. The layout shall accord with the details shown on Drawing No 410- pa -205 lodged with the planning authority on 16th August, 2018 including the following revisions to the details indicated on Drawing 410-205 Rev A lodged with the planning authority on 15th June, 2018.
 - House no 49 shall be omitted.
 - Single storey two bedroom houses shall be constructed on Site Nos 47 and 48.
 - The house shown on an area zoned, "buffer" (Site No 51) to the west of No 22 Cloonbeg shall be omitted and the area shall be incorporated into landscaped designated open space in accordance with the requirements of Condition No.3
 - The house shown on an area zoned, "open space" (Site No 50) to the east of No 33 Shanacloon shall be omitted and the area shall be incorporated into landscaped designated open space in accordance with the requirements of Condition No 3.

Reason: To ensure consistency with the zoning objectives for the lands within the site, visual and residential amenity and the proper planning and sustainable development of the area.

3. New walls two metres in high on stepped retaining walls ground works, and landscaping at the rear of properties at Nos 19, 20 and 21 Woodlawn shall be positioned and constructed in accordance with the details shown in Sections on Drawings 410-pa-208-Rev A) lodged with the planning authority on 16th August, 2018. Rear, side garden boundaries between Unit Nos 43-47 shall be in concrete block walling not exceeding two metres in height to the inner side and shall be in timber post and panel fencing to the outer side of the new walls on the stepped retaining walls. The 'low karstic woodland' shall be planted to the satisfaction of the planning authority following completion of construction and prior to the occupation of the dwellings.

Reason: in the interest of clarity, residential amenity and orderly development.

4. The landscaping plan and boundary treatment, incorporating the amendments to the screen planting and layout shall be in accordance with the details provided for in the further information submission lodged with the planning authority on 15th June, 2018 and in the clarification of further information (Drawing 410-pa-208-Rev A) lodged with the planning authority on 16th August, 2018 and shall be fully implemented within the first planting season following completion of construction and shall incorporate the following: -

- Boundary walls facing towards public or communal open space or roadways shall be up to 1.6 metres in height and stone faced.
- The area within the rear garden boundaries at Units 1 to 8 and 25 to 32 shall be in accordance with Drawing No 410 pa 203 Rev A lodged with the planning authority on 30th May, 2018.
- Boundary walls, fencing or hedging is not permitted on front or front side boundaries forward of the front building line of any units.

Reason: In the interests of the visual and residential amenities of the area and orderly and sustainable development.

5. Details of the following requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development:
- Materials, colours and textures of all the external finishes. Roof tiles shall be in dark grey, blue black or black.
 - External lighting through the development
 - Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

Reason: In the interests of orderly development, visual and residential amenities of the area.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential 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.

8. Communal waste storage areas within the basement shall be designed and managed in accordance with the proposals within the operational waste management plan lodged with the planning authority. Waste materials shall

be transferred to the designated surface level space on the day of collection only.

Reason: In the interests of residential and public amenities.

9. The construction of the development shall be managed in accordance with a Construction and Waste and Construction Traffic Management Plan, which, on appointment of a contractor, 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:
 - (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during construction;
 - (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Noises levels shall be managed to accord with the standards in BS 5228: Noise Control on Construction and Open Sites Part 1 Code of Practice for Basic Information and procedures for noise control and shall not result in grounds for complaint as provided for in B.S. 4142. "*Method for rating industrial noise affecting mixed residential and industrial areas*";
 - (d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(f) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

(g) The plan shall be 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.

Reason: In the interest of amenities, public health, safety and sustainable development.

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

Reason: In the interest of sustainable waste management.

11 Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

Reason: In the interest of amenity and the proper planning and sustainable development of the area.

12 Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

13 Hours of work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenities of the surrounding properties.

14 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.

15 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the

development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

16 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.

Jane Dennehy
Senior Planning Inspector
7th January, 2019.