



An
Bord
Pleanála

Inspector's Report ABP-302845-18

Development	Construction of 14 no. terraced houses, and all associated site works.
Location	Lumper Lane & New Line, Urlingford, Co. Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	18/427
Applicant(s)	Thomas Kavanagh
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Marcus & Ruth Hickey
Observer(s)	None
Date of Site Inspection	4 th January 2019
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.6067ha, is located between New Line and Lumper Lane – two parallel streets off Main Street in Urlingford, Co. Kilkenny. The site is within the built-up area of the town, and constitutes an infill development. The site comprises a small, rank, grassed field, with a very gentle slope downhill from northeast to southwest. A considerable amount of builder's rubble and waste has been deposited throughout the site (now heavily overgrown). The site is within the 50kph speed restriction zone on New Line: public lighting is in place; and there is a public footpath on the opposite side of the street (school side) only. Traffic calming is in place on this street, in the vicinity of the national school. There is vehicular access to the site from New Line; but not from Lumper Lane. The site is within the 80kph speed restriction zone on Lumper Lane. There is no public lighting on this street, and there are no public footpaths. It is possible to pass two cars with care on Lumper Lane. A patchy footpath network extends out from Main Street as far as the site. Public lighting extends out as far as the site along Lumper Lane. There are overhead ESB cables traversing the site northeast/southwest.
- 1.2. To the northwest, the site abuts the curtilage of a single-storey, terraced house on New Line, which also has rear access from Lumper Lane – the boundary with which is a mixture of concrete block wall and undefined. To the northeast, the site abuts New Line – the boundary with which is a 2.0m high, painted, concrete block & brick wall. To the southeast, the site abuts the curtilages of 2 no. two-storey houses (one on New Line and one on Lumper Lane) and a large shed with roller shutter on New Line – the boundary with which is a wall of varying height. To the southwest, the site abuts Lumper Lane – the boundary with which is a 2.0m high concrete block wall. There is a grass field (at one time a football pitch) and a funeral home on the opposite side of Lumper Lane.

2.0 Proposed Development

- 2.1. Permission sought on 26th June 2018, for small infill development of two terraces of houses (seven units each) – addressing each other across a public open space square. Houses are a mixture of dormer and two-storey units. Two parking spaces are provided in front of each house; plus, an additional four spaces for visitors. In

addition, some 30 no. perpendicular parking spaces are to be provided on New Line – largely to serve the school on the opposite side of the street. Vehicular access to the is to be from Lumper Lane – with pedestrian access from New Line also. Water supply is from the public mains in New Line. Foul waste is to be discharged to the public mains. Surface water is to be discharged to a soakway located within the central green area.

2.1.1. The application is accompanied by the following documentation of note-

- Soil Filtration Test Report – dated 16th October 2017.
- Stage 1 & 2 Road Safety Audit – dated June 2018.
- Outdoor Lighting Report – dated 26th June 2018.

2.2. Following a request for additional information, revised proposals were received on 13th September 2018, as follows-

- Details of sight visibility on Lumper Lane.
- Details of footpath connection to town footpath network, on Lumper Lane.
- Existing speed ramps on New Line are to be retained. A new pedestrian crossing is to be created at one of them. The perpendicular parking arrangement has been amended; to provide for 26 no. spaces.
- One-way traffic arrangement through the site.
- Bin storage area to front of all houses apart from the four gable-end houses.
- Provision of play area within the public open space area.
- Northeast and southwest boundaries will have a 2m high wall, where necessary.

3.0 Planning Authority Decision

By Order dated 9th October 2018, Kilkenny County Council issued a Notification of decision to grant planning permission subject to 22 no. conditions – the principal ones of which may be summarised as follows-

1. Development shall be carried out in accordance with the plans and particulars, received on 26th June and 13th September 2018.

2. Requires payment of a development contribution of €41,015.
3. Relates to construction and transfer to the PA of the 26 no. parking spaces on New Line.
4. Relates to roads requirements.
10. Relates to water requirements; and refers, *inter alia*, to diversion of foul sewer serving the national school and Emerald Gardens housing estate.
12. Relates to surface water, and requires, *inter alia*, replacement of rising main with a gravity system.

4.0 Planning History

Ref. 05/689: Permission granted to Thomas Kavanagh to construct 28 no. two-bedroom residential units on this site. On appeal by a 3rd Party to An Bord Pleanála (PL 10.214071), permission was granted in 2006.

Ref. 06/648: Permission granted for revised housing development of 27 no. residential units. On appeal by a 3rd Party to An Bord Pleanála (PL 10.219370), permission was granted in 2007.

Ref. 11/597: Extension of duration of permission ref. 06/648 granted to Thomas Kavanagh. This permission has now expired.

Ref. 15/308: Permission refused to Thomas Kavanagh to construct 17 no. terraced houses on this site.

Ref. 17/117: Permission refused to Thomas Kavanagh to construct 14 no. terraced houses on this site.

5.0 Policy Context

5.1. Development Plan

The relevant document is the Kilkenny County Development Plan 2014-2020. Within the County Settlement Hierarchy, Urlingford is within the category 'Smaller Towns and Villages'. There is no statutory plan in force for Urlingford – the most recent one having expired in 2010. In relation to settlement and zoning for towns and villages

for which LAPs have expired, section 3.3.5.1 states- “For the purposes of this core strategy, these 12 towns will not be assigned a separate population projection, but will be considered as part of the remaining area of the county in the core strategy table. Each of these towns will be subject to a map within this Plan which depicts a settlement boundary within which development will be considered in accordance with the policies outlined below (see Figures 3.2-3.13). There will be no land use zoning objectives in these settlements. Development proposals within the boundary will be considered on their merits against the policies and objectives contained in this core strategy and the Development Plan generally”. Figure 3.3 of the Plan indicates that the site is within the ‘settlement boundary for Urlingford’.

5.2. Natural Heritage Designations

The site is neither within nor immediately abutting any natural heritage site. The closest such is The Loughans SAC (Site code 000407) – some 2.7km north-northeast of the appeal site. There is no surface water pathway connection between the two.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal from Marcus & Ruth Hickey, Lumper Lane, Urlingford, received by An Bord Pleanála on 24th October 2018, can be summarised in bullet point format as follows-

- First floor windows in houses 8-14 will result in overlooking of the garden area of the appellants’ house – a two-storey structure on Lumper Lane. Houses 8-11 in particular, have windows which will look directly into a dining-room and kitchen. This will result in loss of amenity and devaluation in property value.
- The appellants successfully appealed to An Bord Pleanála ref. PL 10.214071; in relation to windows overlooking their property.
- The 1.5m high stone wall which separates the appellants’ garden from sites 11-14 is insufficient to eliminate overlooking. This wall should be increased in

height to at least 2.0m. No gap between the stone and new wall should be allowed.

- The services for the appellants' house run within Lumper Lane. These need to be protected during construction works.
- Water pressure within the appellants' house may be affected by the development.
- Lumper Lane is not suitable for the main access to this development. It is narrow and does not have public lighting. It is not possible to pass two vehicles along much of its length – particularly in the direction of the junction with New Line. Lumper Lane becomes congested at school times. There is congestion on Lumper Lane near the junction with the R639. Access should be from New Line, as previously determined by An Bord Pleanála. There is poor sight visibility at the junction of Lumper Lane with the R639 (Main Street). There is a funeral home on Lumper Lane, and congestion at these premises will be exacerbated by the housing development.
- Perpendicular parking for the school on New Line will constitute a traffic hazard, because of the need to reverse into or out of the spaces.
- The proposed footpath on Lumper Lane should be provided with cast iron bollards; to prevent unsafe parking.
- None of conditions attached to the grant of planning permission related to hours of construction.

6.1.2. The appeal is accompanied by 7 no. annotated colour photographs.

6.2. Applicant Response

6.2.1. The response of Larkin Associates, Architects, agent on behalf of the applicant, Thomas Kavanagh, received by An Bord Pleanála on 22nd November 2018, can be summarised in bullet point format as follows-

- Drawings submitted clearly show that houses 8-11 are two-storey units, whilst houses 12-14 are dormer-style units. The dormer houses have only bathroom rooflights in the rear pitch. Obscured glazing will further reduce the potential for overlooking. There is a 17m long rear garden for houses 10-14.

- The applicant is agreeable to extend the boundary wall with the appellants property to 2m in height.
- All services will be installed in compliance with the Building Regulations.
- A Stage 1 / 2 Road Safety Audit was carried out for this development. The access from Lumper Lane was recommended by KCC – arising from the traffic chaos on New Line at school times. The applicant has offered to construct 26 no. parking spaces on New Line to alleviate the parking problem at the school. This is a considerable planning gain for the whole community.
- A new pedestrian crossing on New Line will also be provided by the applicant. This crossing will be convenient for the appellants.
- A footpath will be available from the entrance to the development on Lumper Lane, all the way to the centre of Urlingford.
- The housing scheme is within the development boundary of Urlingford, and the density is in accordance with the Development Plan standards.

6.3. Planning Authority Response

The response of Kilkenny County Council, received by An Bord Pleanála on 15th November 2018, indicates that there is no further comment.

6.4. Observations

None received.

7.0 Assessment

7.1. Development Plan & Other Guidance

- 7.1.1. The Local Area Plan for Urlingford has expired. There is now no zoning in place for the town. The site lies within the settlement boundary for the town. It is indicated in the County Development Plan that- “Development proposals within the boundary will be considered on their merits against the policies and objectives contained in this core strategy and the Development Plan generally”.

7.1.2. The “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), issued by the Department of Environment, Heritage and Local Government in May 2009, are of relevance. Chapter 6 deals with small towns and villages – identified as having a population between 400 and 5,000: the town of Urlingford would fall within this category. The scale of development should be in proportion to the pattern and grain of existing development. The development of terraced housing reflects terraced housing on New Line. The development will contribute to a compact town. The development provides for effective connectivity – linking New Line and Lumper Lane, for pedestrians/cyclists – allowing for easy access to the national school from Lumper Lane. Section 6.9 deals with density of development. For ‘edge of centre’ sites (such as this one) residential densities in the range 20-35 are recommended. The proposed development has a density of 23 houses per ha – within the recommended range, and is appropriate for this site.

7.2. **Layout & Design**

7.2.1. The layout of the scheme, with two terraces of houses addressing each other across a shared public open space area, is an attractive one. A play area was incorporated into the public open space area by way of additional information submission of 13th September 2018. Terraces comprise two-storey and dormer units – the dormer units being inserted to protect the residential amenity of adjoining houses – in the case of the northern corner where the site abuts single-storey houses; and in the case of the southern corner, where the site abuts a recently-constructed two-storey houses. [I have elsewhere in this section commented on the layout in the southern corner of the site]. Nine of the fourteen houses are two-bedroom units, whilst the remaining five are three-bedroom units: this is an acceptable mix in relation to size. I note that the two-storey houses (all of which are two-bedroom units), do not have sufficient headroom within attics to allow for future extension to create additional habitable accommodation, but could provide for a non-habitable room. Front gardens have been sacrificed, in order to provide for maximum private open space areas to the rear of houses. This is acceptable – given the wide separation between the two terraces. The gable elevations of the end houses in each terrace have additional architectural detailing to address New Line and Lumper Lane street frontage.

Parking is provided to the front of houses. For houses, other than the four gable-end houses, bin storage areas have been provided to the front of the dwellings.

7.2.2. There is an old stone/concrete wall on the southeastern boundary of the site with the appellants' house: it is approximately 1.7m high. The applicant has agreed to raise the height of this wall to 2.0m. I do not see that the responsibility for raising the height of this wall should rest with the applicant. This is a common boundary serving two private pieces of land. I note that the appellants have recently planted a line of deciduous trees along their side of this common boundary – a prudent step to protect their privacy. The applicant has had regard to the position of the appellants' house in the design of the scheme – through the provision of 3 no. dormer houses at sites 12-14. The rear roof pitch of these dormer houses contains only two rooflights each – lighting en-suite bathrooms. There will be no overlooking of neighbouring property. Having regard to the separation distance to the site boundary of 17m, and to the positioning of the appellants' house on its site (a blank gable wall addressing the appeal site), I would consider that there was no necessity to go to such lengths to preserve the privacy of the appellants' house. The site is located within the development boundary of the town. However, the design of the scheme is as it is; and I would consider that more than generous steps have been taken to protect the amenity of the appellants' house.

7.3. Access & Parking

7.3.1. Access

Vehicular access to the site is currently from New Line only – although this access has not been used for some time. New vehicular access is proposed from Lumper Lane only. There is a national school on the opposite side of New Line, and it was felt that a vehicular access on this street would conflict with school traffic. This would appear to be reasonable, notwithstanding a previous grant of planning permission for a housing development on this site with access from New Line. Pedestrian access to the proposed development is, however, provided from New Line. The site is entirely permeable – linking New Line and Lumper Lane for pedestrians. A pedestrian crossing is to be provided on New Line – to connect the housing development and the school. Traffic calming measures are in existence on New Line: one of the speed ramps will incorporate a pedestrian crossing.

It is the contention of the appellants that New Line would be more appropriate for vehicular access to this site. Certainly, New Line is a good deal wider than Lumper Lane. However, as referred to above, there is the issue of the national school on the opposite side of New Line. Lumper Lane is wide enough for two cars to pass. It is proposed to extend the town footpath network and public lighting along the Lumper Lane site boundary. It is likely that the 50kph speed restriction would be extended out to the site entrance. Sight distance at the junction of Lumper Lane and Main Street is good. This is an old established junction within a town centre; where the 50kph speed restriction applies. I note that sight distance at the junction of New Line and Main Street is also good. I would be satisfied that the proposed site access would not result in a traffic hazard or obstruction of road users.

7.3.2. Parking

Two parking spaces per house are provided immediately in front of each residential unit: and this is acceptable. An additional four visitor parking spaces are provided within the scheme – on the boundary of the public open space. The developer is to provide 26 perpendicular parking spaces on New Line, which will serve the national school. These spaces could be used for visitors outside of school times. The parking arrangements proposed are acceptable – particularly in relation to provision for the national school.

7.4. **Water**

7.4.1. Water Supply

Water supply is from the public 4" mains in New Line. Irish Water indicated that there was no objection to the proposed connection.

7.4.2. Foul Waste

It is proposed to discharge foul effluent to the public foul sewer in Lumper Lane. There is an existing public foul sewer traversing the site – to the rear of proposed houses 1-4, which serves existing houses on the southwestern side of New Line. The area is to be incorporated into the rear gardens of the houses – but a wayleave will be maintained across it for maintenance purposes. The additional information submission indicated a vehicular access at the point where the sewer emerges onto Lumper Lane. It is not clear why this access point has been included: it was not

indicated on earlier drawings, and no explanation is given for its appearance on the new drawings. I would be satisfied that the arrangements for preserving a right-of-way across the rear gardens of no.s 1-4 is a reasonable solution to the situation on the ground. The vehicular entrance gates to the rear garden of no. 1 (from Lumper Lane) should be omitted, by way of condition attached to any grant of planning permission from the Board.

Irish Water was consulted; and required that prior to commencement of development, the foul sewer traversing a portion of the site (serving Urlingford NS and Emerald Gardens housing estate) – a run of approximately 155m, be diverted within the site, to the satisfaction of KCC. Works shall be carried out at the applicant's expense. The site is only 60m wide. The location of this sewer would not appear to be shown on drawings submitted. I note that drawings do show a foul sewer traversing the site – connecting a foul sewer on New Line with one on Lumper Lane – but it is not clear if this is the foul sewer referred to by Irish Water. There seems to be only one foul sewer traversing the site – and the drainage from the proposed development is connected to it. The Notification of decision to grant planning permission, at Condition 9(c) does refer to the relocation of a public foul sewer traversing the site (as shown on Drg. 18-678/PP/02) as required by Irish Water. This sewer, as shown on drawings does not appear to need to be relocated – unless of course, what is shown on drawings is a relocation of an existing sewer traversing the site. The applicant has not objected to the condition. It would be prudent to attach a similarly-worded condition to any grant of permission to issue from the Board.

7.4.3. Surface Water

It is proposed to discharge surface water to a soakway; located within the open space area in the centre of the development. The application was accompanied by a Soil Filtration Test. The soil was deemed to be suitable. The soakway will measure 20m x 30m and will be 3m deep. It will have a capacity of 107m³. This is stated to be 17m³ in excess of what would be required for the development. The Environment Section of KCC was concerned that a rising main was used within the network – requiring all falls to be by gravity. Condition 11(a) of the Notification of decision to grant planning permission required the rising main to be replaced by a gravity system, or where not feasible, stormwater to be managed entirely within the site.

7.4.4. Flooding

There is no history of flooding at this site. There are no watercourses on any of the site boundaries. The site is served by the town drainage system. The proposed development will not have any impact on flooding in this area.

7.5. **Other Issues**

7.5.1. Financial Contribution & Bond

The PA has supplied a table of calculation of the development contribution in line with the 2015-2017 Development Contribution Scheme. Condition 2 of the Notification of decision to grant planning permission required the developer to pay €41,015. This condition was not the subject of a 1st Party appeal. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

7.5.2. Part V

There is no reference to compliance with Part V anywhere on the file. The list of conditions attached to the Notification of decision to grant planning permission did not make any reference to Part V. The area of the site is 0.6067ha, and some 14 no. houses are proposed. These are in excess of the thresholds of 0.1ha and 9 houses. Section 16 of the application form (submitted by the applicant to KCC) indicates that the development is one, to which Part V applies. Notwithstanding that KCC did not attach a condition requiring compliance with Part V, section 96(2) of the Planning and Development Act, 2000 (as amended) requires the Board, on appeal to require as a condition of a grant of permission that the applicant, or any other person with an interest in the land to which the application relates, to enter into an agreement with the PA in relation to provision of social and affordable housing. It may be that such an agreement has been entered into, and is not recorded on the file. It would be prudent to attach a condition requiring compliance with Part V, to any grant of permission which might issue from the Board.

7.5.3. Archaeology

There are no areas of archaeological potential indicated in the vicinity of the site. However, having regard to the extent of the site within a village, it would be prudent

to attach an archaeological monitoring condition to any grant of permission to issue from the Board.

7.5.4. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

7.5.5. Appropriate Assessment

The PA undertook a brief Habitats Directive Project Screening Assessment. The closest European site is The Loughans SAC (Site code 000407) – some 2.7km north-northeast of the appeal site. There is no pathway connection between the appeal site and the European site. Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 an European site.

7.5.6. Waste

The Environment Section of KCC recommended that a Waste Management Plan be prepared. It would be prudent to attach a condition relating to disposal of waste on this site; particularly in light of the amount of waste which has been tipped or deposited on this site, and which will have to be cleared prior to commencement of any construction. A condition relating to handling, storage and disposal of construction and demolition waste should be attached to any grant of planning permission to issue from the Board.

7.5.7. Electricity Cables

There are existing electricity cables traversing the site. Condition 8 of the Notification of decision to grant planning permission required the relocation underground of these cables. This would appear to be reasonable, and should be included by way of condition attached to any grant of planning permission from the Board.

8.0 Recommendation

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

9.0 Reasons and Considerations

Having regard to, the location of the site within the settlement boundary of the town of Urlingford; the pattern of development in the vicinity; the proposed layout and unit mix; pedestrian permeability of the scheme; proposals to provide for school parking; and connection to an existing watermain and foul & surface water sewerage network: it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously impact on the amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th day of September 2018, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to the planning authority for written agreement.

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

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In particular, the following shall apply-

(a) any sewer traversing the site, which may need to be diverted to facilitate the development, shall be undertaken only with the written agreement of the planning authority, and at the expense of the developer;

(b) a suitable wayleave agreement shall be entered into, in relation to the existing foul sewer located within the rear gardens of houses 1-4, prior to first occupation of any of these four houses;

(c) revised proposals for stormwater drainage – to provide for a gravity system (with no requirement for a rising main), or if this should not prove possible, the disposal of all surface water within the boundary of the site;

Reason: In the interest of public health and to ensure a proper standard of development.

4. The vehicular entrance from Lumper Lane; traffic calming and pedestrian crossing on New Line; parking spaces on New Line; new footpaths on New Line and Lumper Lane; and the internal road network serving the development, including turning bays, parking areas, footpaths, verges and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. In particular, the vehicular entrance to the rear garden of house no. 1 on Lumper lane, shall be omitted from the development.

Reason: In the interest of amenities and public safety.

5. Prior to commencement of development, proposals for a bilingual name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority. The name shall reflect the history or topography of the area.

Reason: In the interest of orderly development.

6. 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.

7. 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.

Reason: In the interests of amenity and public safety.

8. 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 any 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.

9. Overhead electricity cables traversing the site shall be removed and diverted, underground, at the expense of the developer.

Reason: In the interest of visual amenity.

10. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities. In particular, all waste which has been tipped on this site shall be removed and disposed of to a licensed waste facility, prior to commencement of construction of houses.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials in the interest of protecting the environment.

11. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

12. 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, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

13. 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 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, 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.

**Michael Dillon,
Planning Inspectorate.**

16th January 2019.