



An
Bord
Pleanála

Inspector's Report ABP-303414-19

Development	Extension of Housing Estate by 46 dwellings.
Location	Brownstown, Curragh, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	18417
Applicant(s)	Glan Developments Limited.
Type of Application	Permission.
Planning Authority Decision	Grant subject to Conditions.
Type of Appeal	First Party V Conditions only.
Appellant(s)	Glan Developments Limited.
Observer(s)	None.
Date of Site Inspection	25 th March 2019.
Inspector	Susan McHugh

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	9
3.3. Prescribed Bodies	12
3.4. Third Party Observations	12
4.0 Planning History.....	13
5.0 Policy and Context.....	13
5.1. Kildare County Development Plan 2017-2023	13
5.2. National Policy	15
5.3. Natural Heritage Designations	17
5.4. EIA Screening	17
6.0 The Appeal	18
6.1. Grounds of Appeal	18
6.2. Planning Authority Response	20
6.3. Observations	20
7.0 Assessment	20
7.1. Introduction	20
7.2. Compliance with Planning Policy	21
7.3. Density	22
7.4. Design and Layout	24
7.5. Housing Mix	26
7.6. Access, and Permeability	27

7.7. Other Matters 29

7.8. Appropriate Assessment 29

8.0 Recommendation..... 32

9.0 Reasons and Considerations..... 32

10.0 Conditions 33

1.0 Site Location and Description

- 1.1. The site is located in the village of Brownstown in The Curragh, County Kildare. It is directly south and c. 1km across the Curragh Plain from the Curragh Military Camp, and 15 kilometres southwest of the county town of Naas. The village is served by the no. 126 Bus Eireann route.
- 1.2. The appeal site is a backland/infill site located to the rear of adjoining residential developments on all four sides. Vehicular access to the site is from the south via the existing residential development of Brownstown Manor referred to as Phase 1 of the development. It is characterized by low density semidetached and detached dormer style dwellings.
- 1.3. The site is bounded to the east by residential developments including The Grove, Cherrybank Lane and Curragh Downs and associated open space. These include dormer style and two storey houses which either back or gable onto the subject site. To the north the site is bounded by the rear gardens of residential properties along Kildare Road and to the west by rear gardens and boundary walls of two storey houses within Curragh View.
- 1.4. The overall site which is rectangular in shape is relatively level and has a stated site area of 1.87ha. It is at a lower level than the adjoining residential developments to the east.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 13/04/2018 with further plans and details submitted on the 12/11/2018.
 - 2.1.1. The proposed development as lodged seeks permission for;
 - An extension of the previously completed development at Brownstown Manor under P.A. Reg. Ref. 05/1133, and 11/260, and comprises:
 - Construction of **46** No. dwelling houses, these comprise primarily of two storey 3 bed units with 3 single storey 1 bed units. The two storey 3 and 4 bed units (house type A, B, D and E) are arranged in a row along the southern and western

boundaries of the site with remaining houses located facing onto the two principle areas of open space.

- The 3 single storey 1 bed units (house type F and F1), and the 2 storey 2 bed units (house type C) which are located mid terrace are located at the north-western end of the site.

2.1.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Unit Mix

Unit Type	No. of units proposed	As % of units
1 Bed	3	6.5%
2 Bed	3	6.5%
3 Bed	31*	67%
4 Bed	9	20%
Total	46	100%

*House Type A has the option to convert attic and provide 4 bedroom units.

Table 2: Unit Sizes

Houses	No. of units proposed	Floor Area sqm
Type A	31	110.6 or 144.5
Type B	4	133.3
Type C	3	92.5
Type D	2	131.2
Type E	3	126
Type F	2	55
Type F1	1	59

2.1.3. The proposed density of **24.6** units/hectare (46 units on 1.87ha).

2.1.4. The proposed vehicular access to the site is via the existing residential development to the south known as Brownstown Manor, which forms Phase 1 of the overall

development and remains within the applicant's ownership. A potential pedestrian and cycle connection is indicated along the north-eastern boundary with the existing area of open space at Curragh Downs. It is also proposed to provide a potential pedestrian/cycle link to the Kildare Road, between house No's 4 and 5. This area which has recently been resurfaced is in the ownership of the Department of Defense.

- 2.1.5. There are three principle areas of public open space, 2 larger areas located inside the entrance and centrally with a stated area of 1,232sqm and 1,177sqm with a third and smaller area located to the north-east corner of the site with a stated area of 458sqm. The total area of open space is 0.2798ha approx. 15% of the site area. The central area is contiguous with the existing area of open space to the east within Curragh Downs estate.
- 2.1.6. Proposed boundaries comprise new boundary treatments to the north, east, and west site boundaries, and for the removal of boundary palisade fence with existing open space at Curragh Downs, with associated and ancillary site development works.
- 2.1.7. In terms of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. A 10m wayleave for the existing drainage is to be maintained and runs between plot nos. 56 and 57. There are two surface water attenuation tanks each located within the two larger areas of open space each with a capacity of 486 m³.
- 2.1.8. It is also proposed to provide permeable paving along the northern section of the internal access road/shared surface.
- 2.1.9. The application was accompanied by the following;
 - Design Statement and Planning Report
 - Landscape Design
 - Engineering Services Report
 - Appropriate Assessment Screening Report
- 2.2. In the interests of clarity for the Board, pursuant to further information, the applicant submitted revised proposals, which can be summarised as follows;

- Reduction in no. of dwellings from 46 to **45**.
- Reduction in density to **24** units/hectare (45 units on 1.87ha).
- Omission of potential pedestrian and cycle link to the existing footpath via Dept. of Defence lands reaching the Kildare/Maddenstown Road.
- Minor changes to the areas of open space with the two larger areas having a stated area of 1,121sqm, and 1,194sqm with the smaller area to the north east increased in area to 605sqm. The total area of open space is increased to 0.2920ha approx. 15.6% of the site area

2.3. The response to further information was accompanied by the following;

- Road Safety Audit Stage 1/2
- Archaeological Assessment Report.

2.3.1. This assessment makes references to the plans submitted at further information stage and the original application stage.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority **granted** permission subject to 42 no. conditions. Conditions of note include the following;

3.1.2. **Condition 2** states;

*'This permission hereby permits a total of **36 no. dwellings** in the following format (see revised site layout – copy attached):*

- *Revision of houses 65, 66, 67 to 2 no. semi-detached units – back to back with adjacent houses to the north (1 no house removed)*
- *Omission of public open space on northern boundary and replacement with 2 no. semidetached units, back to back with adjacent houses to the north; (2 new houses)*
- *Omission of houses 62 and 63 – terrace to become 2 no. semi-detached units; (2 no. removed)*

- *Omission of house 55 – terrace to become 2 no. semi-detached units; (1 no. house removed)*
- *Revision of houses 68,69,70,71,74,75,76,77 to 4 no. detached dwellings (2 on each side overlooking public open space), (4 no. houses removed);*
- *Revision of houses 78 and 79 to 1 no unit only; (1 no. house removed)*
- *Omission of houses 80 and 81 and resultant area replaced by public open space (2 no. houses removed).*
- *All houses facing public open space to be dual aspect.*

Prior to the commencement of development, a revised site layout including revised house types, in accordance with this condition, shall be submitted for the written agreement of the Planning Authority and shall conform with the technical requirements of this permission insofar as they are applicable to the revised layout.

Reason: *In the interest of clarity, orderly development and the provision of an appropriate residential density for Rural Settlements as required in the Kildare County Development Plan 2017-2023.'*

3.1.3. **Condition 3** states;

- (a) 'Prior to the first occupation of **19 no. dwellings** within the scheme, the Applicant/Developer shall submit details for the written agreement of the Planning Authority, to show compliance with the category of local demand as outlined at Policy VRS 3 Volume 2 of the Kildare County Development Plan 2017-2023.*
- (b) Prior to occupation of each unit. The Applicant/Developer shall obtain a certificate of compliance for each of the units from a qualified and indemnified Architect/Engineer/Solicitor to indicate how the dwelling complies with such category. The person issuing said certificate shall take full responsibility for ensuring compliance.*
- (c) The Planning Authority may make such investigation as necessary to ensure compliance with this condition and may take appropriate action where deemed necessary.*

(d) The Planning Authority will consent to any sale of the property by a lending institution in exercise of its powers as mortgagee and likewise consent to any sale by any person deriving title from the lending institution. Approval to the sale of the property in any other circumstances will be considered on its merits by Kildare County Council.

Reason: *To ensure that the proposed development complies with the provisions of the Kildare County Development Plan 2017-2023 regarding development of Villages and in the interests of proper planning and sustainable development of the area.'*

3.1.4. **Condition 11:** Archaeological monitoring.

3.1.5. **Condition 23:** Submission of Stage 2 and 3 Road Safety Audit.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports (dated 06/06/2018 and 07/12/2018)**

The Planners Report is the basis for the planning authority decision. The 1st Report can be summarised as follows;

- Notes the status of Brownstown as a Rural Settlement and designation of the site as appropriate for Settlement Expansion, under the Kildare County Development Plan. Considers the principle of residential development at the site is generally acceptable.
- Notes Section 2.14 of the Guidelines for Sustainable Residential Development in relation to small towns.
- Brownstown is a lower tier settlement than small town/village, the 6th in the tier of settlements in the county. The capacity for large scale residential development on the site is therefore limited. Table 4.1 of the Kildare County Development Plan indicates that Rural Settlements, in order to be an effective alternative to the provision of single houses in surrounding unserved rural areas, proposals for the developments with densities of 15 dwellings per hectare will be considered. Individual housing schemes will generally not be larger than about 10-12 units.
- The cumulative density of the entire Brownstown Manor development reduces the overall density to 18.7ha. The density of the current Brownstown Manor development which includes a creche is 15 units per ha. Notes Table 4.2 and Table

3.3 of the KCDP and recommends a density of 15 units per ha would be more appropriate.

- Part V does not apply on unzoned lands.
- Notes Policy VRS3 in relation to local demand and that 23 units must be for local demand.
- Considers the pedestrian route proposed at the northern boundary with access to Kildare Road is not appropriate having regard to the number of dwellings potentially served, the proximity of adjacent dwellings and the use of the area for residential car parking.
- Considers that the proposal does not address the existing residential amenity of the dwellings to the north and east of the site.
- Open space is provided at the absolute minimum of 15% of the site area.

Recommends further information on the following:

- Reduce density to c. 15 units per ha. with revised layout to be submitted.
- Revised layout to consider residential amenity of adjacent dwellings units 78 and 79 on the eastern boundary to be omitted.
- Revised layout to provide for a more appropriate level of passive and usable open space.
- Proposed pedestrian walkway to Kildare Road should be omitted.
- Archaeological testing to be undertaken.
- Comment on the third-party submissions.

The 2nd Report dealt with the applicants' response to further information and is summarised as follows:

- Applicant has failed to submit a revised design for the scheme to accord with the provisions of the KCDP to the satisfaction of the planning authority. The layout remains suburban in scale, notes the omission of 1 dwelling, but the density remains at 24 units per ha, 60% higher than the range suggested in the Development Plan. A density of 15 units per ha on the site as per the CDP requirements would result in 28 dwellings. To permit the proposal at the submitted density, would therefore be a

material contravention of Policy VRS 4 which seeks to generally permit density levels in accordance with indicative levels outlined at Table 4.2 of the Plan.

- Notwithstanding the 'infill' nature of the development proposal and the 'settlement expansion' designation, it is considered that the proposal represents a suburban scale development, catering for the types of demand beyond the rural catchment. The lands are not zoned and there is no Local Area Plan in place.

- Having regard to the pattern of development in the vicinity, that a higher density of 15 units per ha may be permissible on the site, but not a density of 24 units per ha. The omission of 9/10 units on the 1.87ha site would result in a density of 18/19 units per ha which may be more appropriate for the infill site.

The planner recommended a grant of permission subject to conditions.

3.2.2. Other Technical Reports

- **Transportation Department:** 1st Report dated 28/05/2018 recommended further information with respect to the following; submit a stage 2 Road Safety Audit; revised drawings indicating an increase the width of the main access road within the development to 6m, side roads to 5.5m with 2m wide footpaths and 1m wide grass verges; redesign of the horizontal alignment of the internal access roads; details of proposed access connections through the development for pedestrians and cyclists in accordance with DMURS; redesign layout to provide 2 car parking spaces per house, and submit car parking schedule; provision of a turning area for refuse trucks; carry out a swept path analysis; details of sight visibility lines at junctions in accordance with DMURS; details of speed limit signs; details of materials for roads and footpaths, and street lighting. 2nd Report dated 03/12/2018 recommends no objection subject to conditions.

- **Water Services:** No objection subject to conditions.

- **Environment Section:** No objection subject to conditions.

- **Building Control:** No objection subject to requirements.

- **Housing Section:** No Part V requirement.

- **Heritage Officer:** No objection.

- **Environmental Health Officer:** No objection subject to requirements.
- **CFO:** 1st Report dated 25/05/2018 recommended further information. 2nd Report dated 03/12/2018 recommends no objection,

3.3. Prescribed Bodies

- **Irish Water:** No objections subject to conditions.
- **Dept. of Culture, Heritage and the Gaeltacht:** Report dated 16/05/2018 recommends archaeological testing be undertaken.
- **Dept. of Defence:** No objection but notes location of pedestrian link to the Kildare Road from the development site between two houses on the Kildare Road across a portion of land vested to the Dept. of Defence, for which no consent has been obtained.

The application was referred to An Comhairle Ealaíon, An Taisce, Fáilte Ireland and the National Heritage Council, but no reports were received.

3.4. Third Party Observations

3.4.1. A number of submissions were lodged with the planning authority from the following parties;

- Brownstown Manor Residents Association C/o Paul Burke.
- Curragh Downs Residents, C/o Barbra Freeman.
- Liam and Patricia Gallagher, Kildare Road, Brownstown.
- Ann Coogan, Brownstown.
- Patricia Darling, Brownstown.

3.4.2. Issues raised can be summarised as follows;

- Road safety and traffic
- Capacity of drainage system
- Pedestrian link to Kildare Road will increase security risks
- Residential amenity

- Construction access unsuitable

4.0 Planning History

First Phase of Development – Brownstown Manor

P.A. Reg. Ref. 05/1133 Permission **granted** August 2006 for 38 no. dwellings and a crèche. This permission was extended in May 2011 under **P.A. Reg. Ref. 11/260** and has been implemented on site. The vehicular access to the appeal site is via this development.

Condition No. 7 (a) refers

‘Prior to the first occupation of the first unit, the applicant/developer shall submit details of proposals for compliance with the categories of ‘local need’ and ‘local growth’ for each individual unit in accordance with Schedule 6.1(local need) and categories 1, 2, 3, or 4 of Schedule 6.2(local growth), of Chapter 6 of the County Development Plan 2005-2011, for the written agreement of the Planning Authority. In this instance 19 dwellings shall be for local need and 19 dwellings shall be local growth.

Reason: *To ensure that the proposed development complies with the provisions of the County Development Plan 2005-2011 regarding development of settlements and compliance with the relevant categories of ‘local need’ and ‘local growth’, in the interest of proper planning and sustainable development.’*

5.0 Policy and Context

5.1. Kildare County Development Plan 2017-2023

5.1.1. Kildare County Development Plan 2017-2023 is the operative County Development Plan (CDP) wherein Brownstown is designated as a ‘*Rural Settlement*’.

5.1.2. **Chapter 2** refers to Core Strategy the aim of which

‘facilitates a more consolidated compact urban form, maintenance and improvement of a sustainable economic base and the creation of sustainable and integrated

communities, together with the balancing of our natural and built environment with sustainable and appropriate development’.

5.1.3. **Chapter 3** refers to Settlement Strategy

Table 3.3 indicates the population of Brownstown as 456 persons.

5.1.4. **Chapter 4** refers to Housing

Table 4.1 refers to Rural Settlements

‘The emphasis is on the sequential development of lands in small rural settlements in a sequence extending outwards from the centre, with undeveloped lands closest to the settlement core being given first priority. In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, proposals for developments with densities of 15 dwellings per hectare will be considered. The sequencing of development should avoid significant “leapfrogging” where development of new residential areas takes place at some remove from the existing contiguous settlement. The overall expansion of larger rural settlements should proceed on the basis of a number of well-integrated sites within and around the village core. Individual housing schemes will generally not be larger than about 10-12 units. A strong emphasis will also be placed on encouraging infill opportunities.’

Table 4.2 shows indicative density levels derived from Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. The indicative density for Rural Settlements of population 50-600 persons as 15 units per ha with lower density in some cases.

Section 4.6 refers to Mix of Dwelling Types

Policy MD 1: ‘Ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual to support a variety of household types.’

5.1.5. **Chapter 16** sets out Urban Design Guidelines

5.1.6. **Chapter 17** sets out Development Management Standards.

Volume 2

Chapter 2 Village Plans and Rural Settlements

Section 2.3 refers to *Rural Settlements*

‘Rural Settlements are located throughout the county. These settlements will develop as local centres for their rural catchments with growth appropriate to cater for local demand. Expansion will be controlled to minimise pressure on services, the environment and unsustainable commuting patterns. Each of the 18 no. Rural Settlements is subject to a development strategy (refer to Section 2.6). Each settlement strategy comprises a settlement core, existing built up area, settlement expansion area and a settlement boundary. The lands within the defined settlement boundaries do not constitute zoned land.’

Table 2.2 sets out the Development Capacity as 1.3%.

Section 2.4 refers to *Village Plans and Rural Settlement Policies*

Policy VRS 3 *‘Facilitate sustainable population growth in the identified Rural Settlements with growth levels of up to 20% over the Plan period to cater primarily for local demands. Local demand for rural settlements is defined as persons residing for a period of 5 years within a 10km radius of the site. ‘Primarily for local demand’ shall be defined as being in excess of 50% of the overall development.’*

Policy VRS 4 *‘Generally permit density levels in accordance with indicative levels outlined in Table 4.2 of this Plan. Proposals shall also conform to the Development Management Standards contained in Volume 1, Chapter 17 of this Plan. Exceptions may be made to development management standards in infill / brownfield sites within village centres or settlement cores where the scheme is of exceptional quality and design.’*

5.2. National Policy

5.2.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework (NPF) includes a specific Chapter, No. 4 entitled Making Stronger Urban Places. In relation to achieving urban infill/brownfield development Objective 11 seeks to encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

Chapter, No. 6, refers to 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2.2. **National Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009
- Sustainable Rural Housing Guidelines for Planning Authorities 2005.
- Circular PL2/2017 – Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2.3. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009**

Section 2.14 refers to Small Towns: *‘Planning authorities shall not consider extensive proposals for new development, including residential development, in smaller towns (in the 2,000 – 5,000 population range) in the absence of an adopted local area plan. An adopted plan is the only effective policy framework within which to consider new development proposals and one that fits within an overall strategic framework at county and regional levels. In addition, where planning permission for residential development is granted on unzoned land, the provisions of Part V of the Planning and Development Act 2000 cannot operate, thereby militating against the implementation of the Housing Strategy and the effective integration of housing needs.’*

Chapter 6 refers to Small Towns and Villages

Section 6.9 recommends density standards for centrally located sites of 30-40+ dwellings per hectare for mainly residential schemes may be appropriate.

5.3. Natural Heritage Designations

The following European site are within a 15km radius of the appeal site.

Site Name	Designation	Site Code	Distance
Pollardstown Fen	SAC	000396	4.2km N
The River Barrow and River Nore	SAC	002162	6.9km SW
Mouds Bog	SAC	002331	7.4km N

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development it is considered that the issues arising from the proximity/ connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment) as there is no likelihood of other 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party appeal by Simon Clear and Associates Planning and Development Consultants on behalf of the applicant is against Condition No's 2 and 3 only of the Notification to grant planning permission. The main grounds can be summarised as follows:

- *Local Context* – Brownstown is quite a compact village settlement, with defined edges which do not migrate into the surrounding Curragh Lands. The Curragh is a unique landscape which has an area of 2,000 hectares, which are for the most part under the ownership of the Minister of Defence. What is unique about the Curragh is the absence of a dispersed rural community farming the land.
- *Investment in Infrastructure* - Previously completed development by the applicant included both a crèche and significant investment in the form of the installation and construction of under P.A. Reg. Ref. 08/138 of a pumping station designed for 500 units, costing €650,000.00. Applicants commitment to Brownstown and to Kildare County Council is demonstrated by this investment and agreement to hand over the pumping station infrastructure, including ownership of the pump house site to Kildare County Council.
- *Optimal Use of Land* - Necessary and sensible to optimise the use of land within the settlement of Brownstown, given the limited future expansion opportunities beyond its defined boundaries due to its historical ownership patterns.
- *Layout* – The layout of the housing development designed as an infill development within the perimeter confines of the established settlement is the optimum infill layout. It should not be compared to the low-density suburban/rural housing pattern in smaller rural settlements through Kildare, where land availability, cost and servicing of individual sites is not a constraint on development.

- *National Planning Framework* – The P.A. paid no regard to the NPF which requires a change in mindset in relation to density and urbanisation of the general population, down to the smallest village.
- *Kildare County Development Plan Context* – Proposed development is consistent with the Core Strategy of the CDP which acknowledges that Rural Settlements provide an effective alternative to the provision of single houses in unserviced rural areas.
- *Condition No. 2* – The P.A. omitted terraced 2 bedroom and 1-bedroom houses in favour of larger semi-detached and detached houses, capable of accommodating larger households. This strategy is not in accordance with current guidance to make more provision for smaller households and solo-living in the general housing mix. The condition will be counterproductive in addressing identified housing need for accessible, single bedroom dwellings, as identified by the Housing Section of KCC.
- The omission of public open space to the north and replacement with 2 No. semi-detached houses has not been fully considered by KCC. The design proposal by JFOC located the public open space to ensure both the passive surveillance of this space and the laneway to the north while balancing the private amenity of the existing dwellings. The omission of houses no. 80 and 81 would change the character of the public open space which has been designed to integrate fully with the Curragh Downs Public Open Space.
- Effectively the P.A. has sought to reduce the density from low to very low, on significant lands for infill and consolidation of the rural village. The layout submitted is consistent with the established pattern and adds to a pattern already carried out by the applicant on the adjacent lands.
- The net effect of the condition is to remove smaller residential typologies, including terraced houses, to replace with larger semi-detached and detached dwellings at lower unit density. Recent Government Guidelines has highlighted the need for a greater variety and typology and particularly smaller units.
- *Condition No. 3* – The Design Statement and Planning Report submitted addresses 'local need' in Section 6 of the report. The completed first phase

has already attract significant local uptake, in excess of development plan 'local needs' requirements for that phase. Brownstown is a small village located in a unique rural area with primary employment associated with military heritage and the equine industry.

- The condition is inappropriate for the locality and should not be included as a condition. It is convoluted, counterproductive, unnecessary, and excessive. It is contrary to the Development Management Guidelines, to Circular Letter PL2/2017 issued by the Department of Housing, Planning, Community and Local Government, May 2017, and the NPF and should be deleted.
- *Assessment 'de novo'* – The Board may consider the proposal 'de novo' and if so, request that the Board refer to the identified potential pedestrian and cycle link to the existing footpath via Dept. of Defence lands reaching the Kildare/Maddenstown Road which was deleted at RFI stage.

6.2. Planning Authority Response

The planning authority confirmed their decision and refer to the planners' report.

6.3. Observations

None.

7.0 Assessment

7.1. Introduction

- 7.1.1. I note that the First Party has appealed Conditions no. 2 and 3 only. I submit that having regard to the nature and scale of the development, the specific issues arising, that the consideration of the proposed development 'de novo' by An Bord Pleanála is warranted in this case.
- 7.1.2. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings;

- Compliance with Planning Policy
- Density
- Design and Layout
- Housing Mix
- Access and Permeability
- Archaeology
- Appropriate Assessment

7.1.3. I refer the Board to the previous history on this site under the parent application for Phase 1 P.A. Reg. Ref. 05/1133, and extension of duration of permission under Reg. Ref. 11/260. The subject application is an extension to the previous development, and represents the Phase 2.

7.2. **Compliance with Planning Policy**

- 7.2.1. The Kildare County Development Plan 2017-2023 is the statutory development plan for the area. The settlement strategy identifies Brownstown as one of 18 designated Rural Settlements within the County. The appeal site is centrally located within the development boundary of Brownstown and is identified for settlement expansion (see map attached). It has no zoning but is on serviced land.
- 7.2.2. Condition no. 3 of the grant of permission requires that prior to the first occupation of 19 no. dwellings within the scheme, the Applicant/Developer shall show compliance with the category of local demand as outlined at Policy VRS3 Volume 2 of the Kildare County Development Plan 2017-2023.
- 7.2.3. Policy VRS3 as detailed in section 5. above seeks to facilitate sustainable population growth in the identified Rural Settlements catering primarily for local demand which is defined as being in excess of 50% of the overall development. While the proposed development provides for 46 no. units as lodged, the number of units was reduced by the planning authority by way of condition to provide for 36 no. units. Hence 19 no. units is approx. 53% of the total no. of units permitted.

- 7.2.4. I note that a similar condition (condition 7 (a) of P.A. Reg. Ref. 05/1133 and extended under P.A. Reg. Ref. 11/260) was attached to phase 1 of the development which permitted a total of 38 no. units.
- 7.2.5. Section 6 of the Design Statement submitted with the current application details that of the 38 houses completed under Phase 1 of the development, 21 were acquired by those qualifying under local demand as of June 2016. It is also noted that a further 9 houses have been sold to those who qualify under local demand. As part of the current proposal it is intended that a further minimum of 5 houses will be made available to Kildare County Council to provide for identified social housing requirements in the area. In this regard I also note that there is no Part V requirement given that the subject site does not benefit from a zoning objective.
- 7.2.6. The appellants assert that Condition No. 3 should be deleted as a condition as it is contrary to the Development Management Guidelines, to Circular Letter PL2/2017 issued by the Department of Housing, Planning, Community and Local Government, May 2017, and the National Planning Framework.
- 7.2.7. I have considered the issues raised in the appeal and in particular the local context, however on balance I am satisfied that the attachment of a local need condition in this instance is appropriate. I also consider that the density and mix of units, which I will discuss in more detail below provides for different house typologies within the area which will serve local need. This is particularly relevant in the absence of a Part V requirement.
- 7.2.8. In summary, I am satisfied therefore, that in this instance condition no. 3 should be retained, and that it is modified according to the overall no. of units should the Board be mindful to grant permission.

7.3. **Density**

- 7.3.1. Permission was previously granted under P.A. Reg. Ref. 05/1133 and extended under P.A. Reg. Ref. 11/260 for 38 no. units and a crèche as part of phase 1 of the Brownstown Manor development. This resulted in a residential density of 15 units per hectare.
- 7.3.2. The current proposal for phase 2 involves the development of an infill brownfield site (accessed via phase 1) and the construction of 46 no. residential units. The number

of units was reduced to 45 no. units by way of further information, and further reduced to 36 no. units in the grant of permission by the planning authority. This reduction in the no. of units effectively reduces the density from 24.6, to 24, to 19.25 units per hectare.

- 7.3.3. Since the previous permission on the overall site the policy context has changed in terms of the adoption of the Kildare County Development Plan 2017-2023, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued in 2009, and the National Planning Framework to which regard must be had.
- 7.3.4. I note that Table 4.2 of the County Development Plan prescribes indicative densities for Rural Settlements of population 50-600 persons as 15 units per ha with lower density in some cases. Brownstown with a population of 456 as indicated in Table 3.3 of the CDP constitutes a rural settlement for which the recommended density is 15 units per ha. The PA acknowledge in their initial assessment that the cumulative density of the entire Brownstown Manor development reduces the overall density to 18.7 ha, but were still concerned that the residential density was excessive.
- 7.3.5. I am of the view that the site has the characteristics of a centrally located infill site. In such a location section 6.9 of the Guidelines while recognising that it can be difficult to be prescriptive about the level of density recommend densities of in the range of 30-40+ dwellings per hectare within small towns and villages.
- 7.3.6. Having regard to the developable area of this serviced site which is 1.87ha, whilst cognisant of the need to protect the amenities of property in the vicinity, I consider the proposed density of 24/25 units per hectare to be of an appropriate scale relative to its location and therefore in keeping with the objectives of the National Planning Framework and the Guidelines. On this basis I consider the proposal to be an efficient and sustainable use of scarce serviced land in an area identified for expansion in proximity to the village centre.
- 7.3.7. I am satisfied therefore, that the modifications to the proposed development set out in condition no. 2 of the grant of permission should be omitted.

7.4. Design and Layout

- 7.4.1. There are section 28 Ministerial guidelines which should be considered in conjunction with the provisions of the Kildare County Development Plan with regard to the overall design and layout of the proposed scheme. The most relevant of these are 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009'. These Ministerial Guidelines advocate high quality sustainable development that are well designed and built so as to integrate with the existing or new communities. The principle of universal design is also advocated so as to ensure that the environment can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. The Design Manual which accompanies the Sustainable Residential Development Guidelines provide best practice design manual criteria such as context, connections, inclusivity, variety, efficiency, layout etc.
- 7.4.2. A design statement was submitted with the application. It states that the proposed development has been designed and scaled to respect the established residential development in the immediate area. It notes the two storey residential housing estates to the east and west of the site, whilst the proposed development provides a layout that allows an adequate provision of surveillance over public spaces within the surrounding application site and connectivity to adjacent developments. The application was also accompanied by a landscape design drawing, which indicates three separate areas of open space.
- 7.4.3. While initial concerns raised by the planning authority were in relation to the overall residential density which was considered excessive as discussed above, the PA also had concerns in relation to specific design elements. These included the residential amenity of adjacent dwellings to the east and north and included in a request for further information the omission of units 78 and 79 on the eastern boundary, the pedestrian/cycle link to the north, and a revised layout which provided for a more appropriate level of passive and usable open space.
- 7.4.4. The PA were not satisfied that the response to the request for further information which included; an increased separation distance from the gable of house no. 78 to the adjoining residential properties within Curragh Downs, the omission of one house on plot no. 84 and minor amendments to the layout and areas of open space,

addressed their concerns. Consequently, further amendments were considered necessary. Detailed requirements in respect of modifications to the no. of units, house types and the layout were set out in Condition No. 2 as detailed in section 2.4 above.

- 7.4.5. I however, consider that the proposed design is such that it does accord with the principles set out in the CDP. Using the 12 indicators in the companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', it is considered that the proposed design is such that it would positively contribute to the character and identity of the neighbourhood. The development will serve to consolidate and connect a neglected backland area in the centre of this rural settlement.
- 7.4.6. This scheme will serve to enhance and contribute to the vitality and viability of the village centre by helping to enhance critical mass. With regard to the individual houses themselves, which are two storey and single storey, they have been designed to a high standard and all exceed the minimum floor areas.
- 7.4.7. Private open space is provided by way of rear gardens. Public open space is provided within the scheme and meets development plan standards. In general, I am satisfied that adequate public and private open space has been provided within the overall scheme. The slightly larger centrally located area of open space is contiguous with an existing area of open space within the residential estate of Curragh Downs to the east. While I note that the third parties object to this shared park being included 'as an adjunct' to the proposed development, I consider it reasonable that connectivity proposed between both areas of open space would benefit from this existing amenity.
- 7.4.8. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside.
- 7.4.9. I do not consider that the reduced density and revised layout as permitted is acceptable for this location. It is in an area identified for settlement expansion, and in compliance with section 28 ministerial guidelines. It is not appropriate I would suggest replicating patterns of development in the adjoining development i.e. within Phase 1. I am also satisfied that the proposed layout takes cognisance of adjoining

residential development in terms of layout and separation distances and does not represent overdevelopment of the site.

- 7.4.10. I am of the opinion, that given the overall area of the site, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising well-designed, medium density units would be consistent with policies and intended outcomes of the National Planning Framework and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The site is in a central and accessible location, it is within easy walking distance of adjoining amenities, in an existing serviced area. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community.
- 7.4.11. I am satisfied therefore, that the modifications set out in condition no. 2 of the grant of permission should be omitted.
- 7.4.12. In the interest of clarity, I am satisfied that the revisions presented in the response to the further information request which provides for 45 no. dwellings resulting in a density of 24 units per hectare are acceptable. If the Board are minded granting permission, the proposed development as detailed on site layout Drawing No.98.122.FI202 dated 12th November 2018 refers and can be dealt with by way of an appropriate condition.

7.5. Housing Mix

- 7.5.1. The planning authority had serious concerns in relation to the mix of units which initially provided for 87% of units as 3 and 4 bedrooms. The remaining 13% comprised 1 and 2 bed units. In response to a request for further information the applicant submitted revised proposals which provides for the omission of a single unit 4-bed unit (House Type D) on plot 84.
- 7.5.2. The planning authority were not satisfied that the issues raised were addressed by the applicant, and consequently required further significant changes by way of condition as detailed above. Condition no. 2 refers, and essentially the modifications result in the omission of a total of 9 no. units. 6 of the units omitted comprise all of the 1 and 2 bed units (House Types F, F1 and C). The requirements under this condition I consider to be material and overly onerous.

- 7.5.3. Concern has been raised by the appellants in relation to the disproportionate number of 3-bedroom houses in the scheme as permitted, and as such contend that the proposed development will not cater for smaller households and solo-living in the general housing mix. I would also note that in the absence of a Part V requirement for social housing, the housing mix had been discussed in some detail with the Housing section of the P.A.
- 7.5.4. I concur with the appellants and consider that the proposed mix of units as originally proposed would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Given the established nature of the area, the proposed development could aid those wishing to downsize but remain in the general area, thereby freeing up some existing housing stock in the locality, and provides accommodation adjacent to employment areas including The Curragh Military Camp.
- 7.5.5. In summary, I am satisfied therefore, that condition no. 2 should be omitted.

7.6. Access, and Permeability

- 7.6.1. It is proposed to provide vehicular access to the site via the existing residential development and phase 1 of the development. The main vehicular route through the proposed development connects to a number of cul de sacs which include shared surfaces. It is also proposed to provide potential pedestrian and cycle connections to adjoining residential developments to the east and north.
- 7.6.2. The Transport section of the planning authority had concerns in relation to a number of design issues regarding the vehicular access, internal road and footpath design and parking layout, proposed access connections through the development for pedestrians and cyclists in accordance with DMURS. These issues were addressed by way of further information to the satisfaction of the Transport section. The applicant submitted a Road Safety Audit Stage 2 and the Transport section require a stage 2 and 3 Road Safety Audit by way of condition.
- 7.6.3. I have examined the revised layout and am satisfied that car parking has been provided to Development Plan standards, and that the proposed development is in accordance with DMURS.

- 7.6.4. The two pedestrian/cycle links proposed are firstly from the proposed central area of public open space connecting to an area of public open space within Curragh Downs. The second is located to the north of the site and connects to the Kildare Maddenstown Road via a shared surface along the gables of two residential properties No. 4 Laurel Lodge and No. 5 St. Rita's, Kildare Road.
- 7.6.5. With respect to the former link I would note the level differences between the subject site and the adjoining Curragh Downs development. The details of this link will need to be carefully considered and designed to optimise universal access. This I consider can be dealt with by way of an appropriate condition.
- 7.6.6. With respect to the second link to Kildare Road the PA in response to third party submissions requested its removal. The Department of Defence also noted in their report that the area between both properties is in their ownership. The applicant however, submitted correspondence addressed to the owners of both properties advising them that they are in the process of seeking consent from the Department of Defence to use the laneway between No. 4 and 5, but that should consent be forthcoming it would be necessary to apply for permission for pedestrian access from the site to Kildare Road.
- 7.6.7. The appellant in the grounds of appeal has requested that the Board further consider the merits of this link if considering the application 'de novo'. I have reviewed this element of the proposal, and note the concerns of the residents and impact on residential amenity. However, I am also cognisant of the proximity to the centre of the settlement at the crossroads, location of bus stops along Kildare Road and the proximity to the Curragh Camp itself.
- 7.6.8. I consider that a pedestrian/cycle link should be provided as indicated on site layout plan Drawing No. 98.122.PD202 as originally submitted, noting that this was omitted on the revised site layout Drawing No.98.122.FI202. I see no obstacle in providing this link up to the northern boundary of the site, until such time as consent is obtained from the Department of Defence.
- 7.6.9. In summary, I am satisfied that the proposed development is acceptable, subject to the requirements of the Transport section of the P.A. and the proposed pedestrian/cycle connections identified.

7.7. Other Matters

7.7.1. *Archaeology* – There are three National Monuments in the vicinity of the site to the north. The P.A. requested that archaeological testing be undertaken on the site following the advice of the Dept. of Culture, Heritage and the Gaeltacht in their report. The applicant submitted an archaeological assessment report prepared by ICON Archaeology. The P.A. attached a condition in this regard, and I am satisfied that a similar condition can be attached in the event of a grant of permission.

7.8. Appropriate Assessment

7.8.1. I note that an Appropriate Assessment Screening Report prepared by Faith Wilson, Ecologist accompanied the application received by the planning authority. An Appropriate Assessment screening was also carried out by the planning authority.

7.8.2. I follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

7.9. *Project Description and Site Characteristics*

7.9.1. The proposed development is as described in the report above and in the application submissions as revised.

7.10. *Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives:*

Site Code, Site Name and Designation	Approx. distance from the site	Conservation Objectives; Qualifying Habitats and Species	Relevant source-pathway-receptor links between proposed development and European site?
Pollardstown Fen SAC (000396)	4.2km N	<p>The generic conservation objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davallianae</i></p> <p>Petrifying springs with tufa formation</p> <p>Alkaline fens</p> <p>Geyer's Whorl Snail</p> <p>Narrow-mouthed Whorl Snail</p> <p>Desmoulin's Whorl Snail</p>	No, Due to the lack of a hydrological link between the site and the SAC.
River Barrow and River Nore SAC (002162)	6.9km SW	<p>The generic conservation objective is to maintain or restore the favourable condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Desmoulin's whorl snail</p> <p>Freshwater pearl mussel</p> <p>White-clawed crayfish</p> <p>Sea lamprey</p> <p>Brook lamprey</p> <p>River lamprey</p> <p>Twaite shad</p> <p>Atlantic salmon (only in fresh water)</p> <p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p><i>Salicornia</i> and other annuals colonizing mud</p>	No, Due to the lack of a hydrological link between the site and the SAC.

		<p>and sand Atlantic salt meadows Otter Mediterranean salt meadows Killarney fern Nore freshwater pearl mussel Water courses of plain to montane levels with the and <i>Callitricho-Batrachion</i> vegetation European dry heaths Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels Petrifying springs with tufa formation Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion alba</i>)</p>	
Mouds Bog SAC (002331)	7.4km N	<p>The generic conservation objective is to maintain or restore the favourable condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected Active raised bogs</p> <p>Degraded raised bogs still capable of natural regeneration</p> <p>Depressions on peat substrates of the Rhynchosporion</p>	No, Due to the lack of a hydrological link between the site and the SAC.

7.11. Assessment of likely Effects

7.11.1. The development will be served by the existing mains water supply and will connect into the existing foul sewer system. The closest SAC the Pollardstown Fen is located 4.2km to the north of the appeal site. Based on the source-pathway-receptor approach, there is no hydrological connection to this SAC, the River Barrow and River Nore SAC or the Mouds Bog SAC.

- 7.11.2. The development will be connected to the existing foul water system. Wastewater generated from the proposed development will discharge via a pumping station located within the site to the existing 225mm diameter gravity main that runs west along Blessington Road. Subject to the requirements of Irish Water the proposed development would not give rise to appropriate assessment issues.
- 7.11.3. The proposed development will not have any significant impacts, direct or indirect, on the qualifying species or habitats of the Natura 2000 site listed above.
- 7.11.4. In terms of in-combination impacts, the site taken in the context with existing development, is not considered to result in likely significant effects.

7.12. *Screening Statement and Conclusions*

- 7.12.1. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 **Recommendation**

I recommend that permission be **granted** for the following reasons and considerations.

9.0 **Reasons and Considerations**

Having regard to the location of the site within the development boundary of the rural settlement of Brownstown and to the compliance with the development standards in the Kildare County Development Plan 2017-2023, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development 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 and completed in accordance with the plans and particulars lodged with the application 13th April 2018, as amended by the further plans and particulars submitted the 12th November 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed 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 permitted development provides for 45 no. units only as detailed on site layout plan Drawing No.98.122.FI202 dated 12th November 2018.

Reason: In the interest of clarity.

3. (a) Prior to the first occupation of 23 no. dwellings within the scheme, the Applicant/Developer shall submit details for the written agreement of the Planning Authority, to show compliance with the category of local demand as outlined at Policy VRS 3 Volume 2 of the Kildare County Development Plan 2017/2023.

(b) Prior to occupation of each unit. The Applicant/Developer shall obtain a certificate of compliance for each of the units from a qualified and indemnified Architect/Engineer/Solicitor to indicate how the dwelling complies with such category. The person issuing said certificate shall take full responsibility for ensuring compliance.

(c) The Planning Authority may make such investigation as necessary to ensure compliance with this condition and may take appropriate action where deemed necessary.

(d) The Planning Authority will consent to any sale of the property by a lending institution in exercise of its powers as mortgagee and likewise consent to any sale by any person deriving title from the lending

institution. Approval to the sale of the property in any other circumstances will be considered on its merits by Kildare County Council.

Reason: To ensure that the proposed development complies with the provisions of the Kildare County Development Plan 2017-2023 regarding development of Villages and in the interests of proper planning and sustainable development of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed extension 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. The developer shall comply with the requirements of the planning authority with respect to off-site parking, site entrance details, signage, naming of development and road markings, details of which shall be ascertained and submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

6. Prior to commencement of development, a revised site layout plan showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority:

(a) Details of proposed pedestrian/cycle connection to the north of the site as detailed on site layout plan Drawing No. 98.122.PD202 dated 13th April 2018.

(b) Details of proposed pedestrian/cycle connection to the open space within Curragh Downs.

Reason: In the interest of traffic and pedestrian safety.

7. The Developer shall carry out a detailed stage 2 and 3 Road Safety Audit (RSA) by an independent approved and certified auditor, for the proposed development and surrounding area. The RSA shall include the proposed new routes from the development to the L3007. The Developer shall submit to the planning authority a copy of the RSA stage 3 report. The

developer shall complete all of the remedial measures identified in the RSA Stage 3, prior to occupancy of the residential units. The Developer shall be liable for all costs associated with these works.

Reason: In the interest of traffic safety.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. The developer shall facilitate the 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,
 - (b) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

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

11. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
 - (a) a hard landscaping plan, and other site boundary details including the finishes, and
 - (b) a soft landscaping plan incorporating native/indigenous species.

Reason: In the interest of visual amenity.

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 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.

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 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.

Susan McHugh
Planning Inspectorate

9th April 2019