



An
Bord
Pleanála

Inspector's Report ABP-303884-19

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| Development | Modifications to permitted residential scheme |
| Location | Bandon Road, Rath-Beg, Abbey-Lands, Kinsale, County Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 18/6073 |
| Applicant(s) | Hobleton Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Bernard Bareham Annemount Management Company Limited |
| Date of Site Inspection | 17 th June, 2019 |
| Inspector | Kevin Moore |

1.0 Site Location and Description

- 1.1. Abbey Fort is an unfinished estate located within the environs of the town of Kinsale in County Cork, approximately one kilometre north-west of Kinsale town centre. It is sited between Abbey Lane to the east and the Bandon Road to the west. The existing vehicular access to the site is via Abbey Lane. The appeal site comprises 3.27 hectares of the overall residential scheme. Development to the south comprises mainly housing, while the site is bounded to the north and west by agricultural lands.
- 1.2. Of the overall development permitted under a previous planning application (P.A. Ref. 06/11830), 44 houses have been completed. Access roads and the entrance have also been completed.

2.0 Proposed Development

- 2.1. The proposed development would comprise modifications to a residential scheme permitted under Planning Permission Ref. 06/11830 and extended by Planning Permission Refs. 12/4124 and 17/6075. The proposed modifications would include:
 - The replacement of 56 houses and 36 apartments with 92 houses,
 - The realignment of a link road, and
 - All associated ancillary works.

The original proposal provided for six different house types, either three or four bedroom units, ranging in size from 110 sqm to 132 sqm. There were 25 three bed terrace units, 22 four bed terraced units, 38 three bed semi-detached houses, 6 four bed semi-detached houses, and 1 three bed detached house. Access to the proposed development would be via the existing Abbey Lane access and by a permitted access onto the Bandon Road.

- 2.2 Details submitted with the application included a Part V proposal, a Planning and Design Statement, and an Engineering Services Report. The applicant submitted that the current permitted development is no longer viable and that there is a significant demand for mid-range sized family homes. It was stated that the applicant had revised the masterplan and that the proposal represented the first phase of development of the lands by the new owners.

2.3 In response to a further information request, the applicant submitted a revised layout and house types and further addressed engineering issues raised. This reduced the scheme to 90 houses and to five house types.

3.0 Planning Authority Decision

3.1. Decision

On 19th February, 2019, Cork County Council decided to grant permission for the proposed development subject to 27 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

In his first report, the Planner noted development plan policy, reports received and third party submissions. It was considered that, in comparison with the previously permitted layout, the proposal involved reducing the amount of estate road and open space and squeezing in a new row of houses in order to keep the density up and to compensate for the elimination of apartments. The main planning considerations were seen to be the sustainability of the residential environment, the acceptability of the housing mix, and integration with permitted, existing and future residential areas. A recommendation was made seeking further information for revised proposals in layout and house types and to meet the requirements of other internal reports received.

The Senior Executive Planner concurred with the recommendation of the Planner to seek further information.

Following the receipt of further information, the reports were as follows:

The Planner noted that a second application (Phase 2) had been submitted to the planning authority in the interim. It was considered that the residential environment had improved and that a more sustainable housing mix was proposed. A further land take for a future relief road, which included omitting four houses, was considered to be required. A grant of permission was recommended subject to conditions.

The Senior Executive Planner noted outstanding issues relating to the Northern Relief Road for the town and the junction between the main estate road and the public road. It was considered that these issues could be addressed by way of condition. A grant of permission was recommended subject to conditions.

3.2.2. Other Technical Reports

The Housing Officer had no objection to the proposal relating to Part V provisions.

The Public Lighting Engineer requested further details on lighting for the scheme.

The Environment Section referenced the need for a Construction and Environmental Management Plan. There was no objection to the proposal subject to conditions.

The Estates Section required further information on road provisions, traffic calming, junction gradients, and roadside drainage.

Following the submission of further information, the following reports were received:

The Public Lighting Engineer raised a number of issues which the applicant was required to address.

The Estates Section sought clarification on road layout, traffic calming and drainage.

In a second report, the Estates Section submitted that, in the event of permission being granted, an attached schedule of conditions was recommended.

An Engineering Report sought the deferment of the application to address the issue of a relief road and its effects on the proposed development.

3.3. **Third Party Observations**

Objections to the proposal were received from residents of Abbey Fort. The appeal by Bernard Bareham reflects the principal planning concerns raised. Further submissions were made by Josie O'Callaghan and by Sean and Emma O'Callaghan raising safety and privacy concerns, traffic issues, odour problems from sewage, and outstanding matters agreed with the previous developer of the site.

4.0 Planning History

The planning history associated with the site includes:

ABP Ref. PL 04.215512 (P.A. Ref. 05/588)

Permission was granted by the Board for a development comprising 290 residential units consisting of 212 houses and 78 apartments.

P.A. Ref. 06/11830

Permission was granted for a development comprising alterations to a residential development permitted under P.A. Ref. 05/588 for 214 houses, 42 apartments, relocation and change of plan of crèche, and associated site works and services.

P.A. Ref. 12/4124

The extension of the duration of Planning Permission 06/11830 was granted.

P.A. Ref. 17/6075

The duration of Planning Permission 06/11830 was further extended. Under this permission, permission for the scheme will expire on 31st December, 2021.

5.0 Policy Context

5.1. Bandon Kinsale Municipal District Local Area Plan 2017

Kinsale

Zoning

The site is zoned 'Medium B Residential Development'. Development is required to provide pedestrian and cycleway linkages to the north.

Transportation

The Plan provides for the development of the Kinsale Northern Relief Road which requires an upgrade of the existing Northern Relief Route with some new construction to connect to the R605 Bandon Road. It is anticipated that this road would significantly reduce through traffic in Kinsale town centre.

Part of the alignment of this proposed Northern Relief Road lies immediately to the north of the appeal site, with its entry onto the Bandon Road proposed at the westernmost end of the appeal site.

General Objectives

These include:

KS-GO-03

Implement the recommendations contained in the Kinsale Transportation Study including the Northern Relief Road as a short-medium term measure and the Western Relief Road as a longer term measure to improve movement within and around the town.

Specific Objectives

These include:

KS-R-01

Medium B Residential Development. The development of this site shall be carried out on a phased basis and will include the construction of a section of the Northern Relief Road as proposed in the Kinsale Transportation Study. Local water storage within the northern most extremity of the site will be a requirement in developing these lands.

Development should include pedestrian and cycleway linkages to the KS-R-02 site to the south.

The approximate land area affected by this objective is 18.5 hectares and it relates to lands north and south of the proposed Northern Relief Road, but does not include the appeal site except at its extreme south-western end.

KS-R-02

Medium B Residential Development. Development should include pedestrian and cycleway linkages to the KS-R-01 site to the north.

The approximate land area affected by this objective is 5.5 hectares and relates to the appeal site and some adjoining lands to the south.

KS-U-01

Northern Relief Road to include online improvements, junction improvements and the construction of new sections of road from Pewter Hole Cross to Commoge.

It is noted from the Plan that it is stated:

“The larger sites on the northern periphery of the town (KS-R-01 and KS-R-02) will include some provision for larger detached dwellings/self-build options at lower densities as an alternative to individual houses in the countryside and to provide a softening of the urban edge and aims to minimize the impacts on the landscape setting of the town.” (Section 3.3.11).

5.2. Cork County Development Plan 2014

I note that the approach to housing density in the above LAP is set out in Section 3.4 Housing Density, Chapter 3 Housing in the County Development Plan.

According to the Plan, ‘Medium B Residential Development’ would have a minimum net density of 12 and a maximum net density of 25. The maximum is extended to 35 dwellings per hectare in smaller towns outside Metropolitan Cork. Densities between 25 and 35 dwellings/ha can be considered where an exceptional market requirement has been identified. Development must connect to public water and wastewater Services and a broad housing mix is normally required.

5.3 Appropriate Assessment

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, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.4 EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 The Appeals

6.1. Grounds of Appeal from Bernard Bareham

The appellant states that the appeal is made on behalf of the residents of Abbey Fort. The grounds of the appeal may be synthesised as follows:

- The development of the housing estate should only incorporate a single access to form a cul-de-sac thereby limiting traffic to residences, visitors and utility services. The creation of a link road should be refused as it will become a “through road”, which will be used to replace the proposed Northern Relief Road. If the relief road is constructed this would render the need for the link road superfluous. A busy road such as this would create a social divide between residents north and south of it.
- The junction of the link road and the Bandon Road would be dangerous as it would be located on a series of bends on an approach downhill to the town which encourages speeding. There is a significant traffic flow on the Bandon Road in peak times.
- A playground and recreational facility is located to the north of the link road. The majority of future residents will live on the south side of this road and will need to cross this road to access these facilities, posing a risk to safety. This can only be addressed by refusing permission for the junction with the Bandon Road.
- 34 separate driveways from houses are proposed onto the link road and, together with visitor parking, deliveries, and passing traffic, the accident risk is enhanced. Further to this, a crèche is proposed to the north side of the link road and this increases the risk.

- There is a need to encourage the construction of pedestrian routes to Abbey Fort from the town by way of The Rock to serve the young and elderly of Abbey Fort and Kinsale Manor.

The appeal includes the submission made to the planning authority. As well as reference to the above, other issues raised include construction noise and pollution, road conditions at the construction phase, and possible access to neighbouring lands.

6.2. Grounds of Appeal from Annemount Management Company Limited

The appellant submits that the planning authority was aware of AMCL's interest in the lands and structures therein but proceeded to grant permission in the absence of the necessary consent of AMCL. It is maintained that the application is invalid and the Board is precluded from making a decision or permission cannot be granted. The grounds of appeal may be summarised as follows:

- There is an obligation on the Board to invalidate an application for breach of section 34(1) of the Planning and Development Act. There was a breach of Article 22 of the Planning and Development Regulations as there was a lack of written consent from the landowner and there were incorrect red and blue lines on submitted location drawings. AMCL is the beneficial owner of the pumping station, holding tank and sewers and its consent to make the application was not included in the documents submitted by the applicant.
- The planning authority can only impose conditions in respect of land under the control of the applicant.
- Conditions imposed must be enforceable.
- The planning authority can only impose conditions that are required for the development. Given that the reason to move the pumping station and holding tank has nothing to do with the construction of the houses being applied for and all to do with the construction of the relief road, the condition cannot be held to be a valid one.

- It is *ultra vires* for a planning authority to seek to circumvent the compensation granting provisions of the Planning and Development Act in favour of the non-compensation sections of the Act. If the Council wishes to move the pumping station and holding tank in order to facilitate the future construction of a public road that is not necessary for the development, it must do so either by entering into an agreement with AMCL or the Council must use the powers available to it to compulsorily acquire the pumping station and holding tank. It cannot use section 34 to suppress the property rights of AMCL.
- There was a breach of section 34(5) of the Act as points of detail can only be agreed between the person carrying out the development and the planning authority and points of detail cannot be left over for agreement with Irish Water.

The Board is asked to invalidate the application.

6.3. Applicant Response

6.3.1 The Response to the Appeal by Bernard Bareham

The response may be synthesised as follows:

- The applicant and the planning authority have made the necessary amendments to the proposal to overcome the concerns relating to the link road. Measures were introduced to ensure the link road is a safe and attractive space for residents, with the dominance of the car reduced through redesign of the road.
- The access at Bandon Road was previously permitted by the Board. The access is the same as that previously permitted. Condition 5 of the planning authority's decision also seeks an independent Road Safety Audit.
- Condition 6 of the planning authority's decision requires the submission of a method statement for the management of the construction phase. Reference

is also made to Conditions 9, 17, 19, 20 and 21 on construction-related controls.

- The applicant only has control of lands in its ownership and has no control over adjoining roadways and, therefore, cannot provide additional footpaths into Kinsale. The applicant is providing a future pedestrian link to lands north of the site and a development contribution is required by Condition 27 of the planning authority's decision and could be used to improve pedestrian facilities in the vicinity of the site.
- The application provides for a reduction of the units on the site and thus it will provide for less traffic than that of the extant permission.

6.3.2 The Response to the Appeal by Annemount Management Company Ltd.

The response may be synthesised as follows:

- The appeal is vexatious and should be dismissed. The appeal hinges on the argument that the appellants are the legal owners of the pumping station and holding tanks without any proof of same. This property dispute is a matter for the Courts. The applicant denies that AMCL has any interest in any part of its development in Kinsale. The applicant has sufficient legal interest in the land and its structures to warrant a grant of permission under section 34 of the Planning and Development Act.
- AMCL was set up to maintain the pumping station, holding tanks and common areas associated with the parent permission only, including the common areas for the permitted apartments. This 'company' was to lease the land from the original developer under a 999 year lease to maintain these areas only. The directors of the company have never transferred the pumping station or holding tanks into their registered ownership and the apartments and their common areas have never been built. Thus, AMCL's use has never been enacted.
- When the applicant acquired the site, the pumping station and holding tank had not been maintained and it had to repair and maintain these for the past number of years.

- Hobleton are the legal owners of the site and as such have sufficient legal interest to carry out any permitted development on the site.
- Regarding breach of section 34(1) of the Planning and Development Act, the applicant is the landowner and a letter of consent was not required.
- Regarding imposition of conditions, the land in question is under the ownership of the applicant and thus the planning authority can impose conditions on this land. Furthermore, it is clear from the Management Company Agreement that AMCL would be under the control of the developer of the site. The developer would be entitled to collect rent and not AMCL. The pumping station constructed pursuant to Planning Permission 06/11830 has no relevance to the overall development in that the Council has indicated that the entirety of the development would be taken in charge. The reason the Council requested the incorporation of a management company in the parent permission was because permission was sought for a number of apartment blocks which will not now be built.
- Regarding enforcing conditions, the application is not invalid as the applicant is the sole owner of the site and has complete control over it, including the pumping station and holding tanks which they currently maintain and operate. Thus, conditions are enforceable.
- Regarding the imposition of conditions necessary for the development, AMCL has no legal interest in the lands, are null and void in terms of being a 'management company' as they have not enacted their duties with respect to the parent permission, and are not registered owners of the land. Condition 2 of the planning authority's decision is necessary as it will support the objectives of the Development Plan and is fully in accordance with Section 7.3.1 of the Development Management Guidelines.
- Regarding the circumvention of the compensation granting provisions of the Planning and Development Act, the issues raised by the appellant lend themselves to a concern that the appeal is vexatious and it is possibly an attempt to seek compensation from the developer or the Council. As AMCL are not the legal owners of the pumping station and holding tanks, they cannot enter into an agreement with the Council. The movement of the

pumping station and holding tank is necessary for the development and they allow a land take for the delivery of the northern relief road, which is an objective of the Local Area Plan. If the Board is concerned with this condition it is within its powers to remove it.

- Regarding a breach of Section 34(5) of the Act, Irish Water is a statutory consultee and it is a requirement of every application to refer to Irish Water with regard to all aspects of water supply. The appellant's reference to planning law dating to 1996 is out of date.

The response includes a legal opinion letter that outlines the legal standing of the applicant and the need for the issue to be dealt with through the Courts.

6.4. Planning Authority Response

I note the planning authority did not make any response to the third party appeals.

7.0 Assessment

7.1. Introduction

7.1.1 I consider that the principal planning issues to be assessed are matters pertaining to legal interest, the principle of the development of a link road, and traffic safety. There are a number of miscellaneous issues that will also be referred to.

7.2. Legal Interest

7.2.1 In addressing this issue, I submit the following:

- There appears to be no dispute that the applicant owns the land on which the proposed development would be constructed. Thus, the applicant has sufficient legal interest for the making of the planning application.
- A legal dispute arising as a result of the applicant not being in a position to deliver on the requirements of a planning permission due to the ownership of some infrastructure on the holding would likely be a matter for the courts to resolve. The Board is in no position to resolve that issue at this time in dealing with this planning application.

- The appellant appears to have demonstrated some interest in established infrastructure on the site. If there are consequences for that infrastructure, arising from an obligation to meet the requirements of a planning permission, and there is a dispute over the ownership and control of that infrastructure, this would be a matter that requires to be resolved outside of the remit of the Board when determining this application. Further to this, the Board is evidently aware of section 34(13) of the Planning and Development Act which expressly states that a person shall not be entitled solely by reason of a permission under section 34 to carry out any development.
- In considering this matter and the proposed development in the context of an indicative route for the Northern Relief Road for Kinsale, I note that the intended corridor set out in the Development Plan clearly impacts on the western end of this site, where the new route would meet the Bandon Road and where it adjoins the infrastructure the subject of dispute. The effect of making provision at this location for part of the intended corridor within which such a future road would be developed clearly has had the potential to directly effect this existing infrastructure on this site. The opportunity/necessity to make suitable alternative arrangements for the servicing of any existing and/or permitted development would have to be a matter to be considered when assessing the further development of these lands in this context.
- The route corridor for the proposed Northern Relief Road directly effects the westernmost corner of the appeal site. This is a key transportation development objective of the Bandon Kinsale Municipal District Local Area Plan 2017 for the town of Kinsale.

7.2.2 Overall, I am satisfied to conclude that the applicant has sufficient legal interest in this site to make this application. While I do not dispute that the appellant may have some interest in some existing infrastructure on this site, the Board can reasonably consider this application in the context of making provision for a new bypass in light of an understanding that adequate infrastructural provisions may be made to accommodate existing and proposed developments. The contractual arrangements for infrastructural provisions or questions over who owns infrastructure that would not

be an integral part of the further development of the lands arising from this planning application are not matters that can be resolved in the planning assessment of this proposed development.

7.3. The Proposed Link Road

7.3.1 I note that the development of the spine road linking public roads east and west of Abbey Fort, i.e. from Abbey Lane to the Bandon Road, has been part of proposals for the development of housing on these lands dating back to when the Board adjudicated on ABP Ref. PL 04.215512. Thus, the principle of such a route is well established.

7.3.2 I acknowledge that the appellant submits that the creation of a link road would result in such a road becoming a “through road”, which would be used to replace the proposed Northern Relief Road, and that, if the relief road is constructed, this would render the need for the link road superfluous. In response, I submit to the Board that the function of a relief road goes a lot further than linking the Bandon Road with Abbey Lane. This is strategic road infrastructure that would be critical to the development of the town into the future. The relief road would be an extensive road that evidently has significant implications for the distribution of traffic, accessibility, and serviceability for the whole town. The proposed link road through the new residential development on the appeal site would be important in its own right as a source of permeability through the estate. Also, it would provide suitable connectivity between the new residential community within the estate and the established communities and road linkages east and west of Abbey Fort. It clearly would not replace the necessity for or the function of a Northern Relief Road for the town.

7.3.3 Further to the above, I note that the link road would facilitate the provision for possible linkage to lands to the north of the site. This is a key requirement of Specific Objective KS-R-02 in the Development Plan that directly relates to the appeal site.

7.4. Traffic Impact

7.4.1 The appellant submits that the junction of the link road and the Bandon Road would be dangerous as it would be located on a series of bends on an approach downhill to

the town which encourages speeding. It is submitted also that there is a significant traffic flow on the Bandon Road in peak times. I note that access onto the Bandon Road forms part of previously permitted residential developments on these lands. The Board, in determining a previous proposal for these lands under Appeal Ref. PL 04.215512, did not determine such an access to constitute a traffic hazard. I note that the proposed entrance would be within the speed limit control zone for the town. I do not consider that material changes have resulted that would merit a refusal of permission based upon the traffic concerns relating to this entrance onto the Bandon Road.

7.4.2 The appellant also notes that a playground and recreational facility is located to the north of the link road, that the majority of future residents will live on the south side of this road, and they will need to cross this road to access these facilities, posing a risk to safety. The Board will note that the link road is already established immediately adjoining the established playground and that the undeveloped lands to the south at this location, lying outside the boundary of the current appeal site, have been zoned for residential development for some time and have been subject to permissions for residential development. Ultimately, road design and traffic management provisions are key to pedestrian safety and these are inherent parts of the development proposal. I note that the appellant also expresses concerns relating to the number of separate driveways from houses onto this road. It is my submission that the cul-de-sac arrangements have greatly reduced the number of accesses directly onto the proposed link road within the scheme. Further to this, direct access for individual housing units is restricted where the site configuration itself becomes very restricted. This is close to the entrance onto the Bandon Road and in itself should aid in portraying this link road as a lived-in residential street rather than a distributor road to be used as a rat-run between the Bandon Road and Abbey Lane.

7.4.3 The appellant has also expressed concerns about the siting of a proposed crèche to serve the overall development. I note that this facility received planning permission and is proposed to be provided at the next phase of development of the overall lands. It would be located to the south of the existing link road, with access off a cul-de-sac. There is no reason to determine that such an arrangement would have adverse traffic implications. .

7.4.4 Finally, the appellant has submitted that there is a need to encourage the construction of pedestrian routes to Abbey Fort from the town by way of The Rock to serve the young and elderly of Abbey Fort and Kinsale Manor. I submit that this is an issue for the planning authority to address comprehensively and cannot be provided by the developer in this instance. The appeal site is zoned for residential development and has an outstanding permission for residential development. I submit that the applicant is making the necessary pedestrian provisions for the development of the scheme on lands within its control.

7.5 Miscellaneous Issues

The Construction Phase

7.5.1 The appellant has raised concerns relating to construction noise and pollution and the condition of roads at the time of construction of the proposed development. The provision of and adherence to a Construction Management Plan, which has been agreed with the planning authority, should satisfactorily address the concerns of residents at this phase.

Design and Density

7.5.2 The potential layout of residential development on this site is very much constrained by the site's configuration, particularly at its western end. Furthermore, the development of this site cannot reasonably be understood in isolation but rather must be understood in the context of the master plan for the overall lands. The density of development proposed meets with the 'Medium B Residential Development' density provisions of the Cork County Development Plan and with the requirements of the Bandon Kinsale Municipal District Local Area Plan 2017.

8.0 **Recommendation**

8.1. I recommend that permission is granted subject to the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning provisions for the site as set out in the Bandon Kinsale Local Area Plan 2017, to the planning history of the site, and to the design, character and layout of the proposed development, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety, and would otherwise be in accordance with the provisions of the current Local Area Plan. 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, as amended by the further drawings and details submitted to the planning authority on the 23rd January 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The scheme shall be amended as follows:
 - (a) Dwellings 05/12, 05/13, 05/14 and 06/15 shall be omitted.
 - (b) The remaining land area shall be developed as public open space pending commencement of the development of the Northern Relief Road for Kinsale Town.

Reason: In the interest of delivering Objective KS-U-01 of the Bandon Kinsale Local Area Plan 2017.

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

Reason: In the interest of visual amenity

4. 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.

5. Prior to the commencement of development, the following shall be submitted to, and agreed in writing, with the planning authority:
 - (a) a plan detailing the extent of internal traffic calming measures proposed;
 - (b) traffic management provisions, inclusive of road signage and internal footpath connectivity; and
 - (c) an independent Road Safety Audit.

Reason: In the interest of traffic safety.

6. 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 noise and vibration management measures,

maintenance of boundary walls to be retained, and off-site disposal of construction/demolition waste.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of urban legibility.

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

Reason: In the interests of amenity and public safety.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and

been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

11. 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.

12. 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.

Kevin Moore
Senior Planning Inspector

1st July 2019