



An
Bord
Pleanála

Inspector's Report ABP-304908-19

Development	22 houses, access road, footpaths, car parking, foul sewer network, surface water sewer network, watermain, demolition of garden sheds and ancillary site works.
Location	Main Street, Newcastle, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD18A/0363
Applicant(s)	Pavement Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Frank Kerins
Observer(s)	none.
Date of Site Inspection	14 th of October 2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. Newcastle, Co. Dublin is a small village located on the borders of the Dublin/ Kildare county bounds. The village is strategically located 3km north of the M7, within a rural part of County Dublin. Between the village and the M50 is the large Greenoge Business Park, Baldonnell Airfield, and Clondalkin/ Kilnamanagh.
- 1.2. The subject site, 0.71Ha, is located at the western end of the village, and the southern side of Main Street. The site is located to the rear of three large detached dwellings fronting the street, and each of the 3No. dwellings have large curtilages. There is a small parade of shops opposite the entrance to the site, and a new high density development currently under construction opposite the site (granted permission under ABP reference PL. 248760).
- 1.3. The site is accessed from the curtilage of an existing dwelling owned by the applicant and it includes a large proportion of the curtilage associated the applicant's dwelling. The site extends westwards to a field at the rear of other two large detached residential properties. At the rear along the eastern site boundary, there is a vacant single storey dwelling which is perpendicular to the prevailing building line in the area. Essentially the site is a backland site within the village, and it has very little road frontage onto Main Street.
- 1.4. The overall site area is flat, and includes mature hedgerows, trees and unkept landscaped areas.
- 1.5. The visibility at the site entrance is acceptable given its urban location. The site is fully serviced and a footpath exists along both sides of the public road.
- 1.6. Photographs from my site inspection carried on the 14th of October 2019 are included in the appendix of this report.

2.0 Proposed Development

- 2.1. The proposed development consists of 22No. housing units with an access road and all ancillary services. They are all three bedroom units layout out in an L-configuration facing the service road and backing onto existing dwellings. The houses will overlook the service road and open space area.

2.2. Following a request for further information the proposed development was revised to 18No. dwellings which include 16No. semi detached units, 2No. detached units and the originally brick façade has been replaced with a more neutral finish.

3.0 **Planning Authority Decision**

3.1. **Decision**

South Dublin Co. Co. granted the proposed development subject to 32No. conditions. The conditions are generally standard, and the most relevant conditions to this appeal are as follows:

16. Drainage

The disposal of surface water shall comply with the technical requirements of the Council's Water Services Section. There are extensive requirements listed in the condition.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The first planning authority recommended extensive further information which issued on 29th of November 2018. A response was received on 18th of April 2019 which included a revised proposal to 18No. dwellings consisting of mainly semi-detached units, and 2No. detached units, with future connectivity to adjoining lands to the south.

The second planning report recommended a grant of permission in line with decision made by the planning authority.

3.2.2. **Other Technical Reports**

Roads Department: Further information was required in respect of :

- Future connections to other development must be laid up to the boundary;
- Location of attenuation tanks
- Pedestrian crossings

- Swept path analysis

Parks and Landscape: States the landscape plan is unsatisfactory, bat survey required.

EHO: No objections

Housing: Part V applicable.

Water Services: water butts to be included as part of the SuDS. Indicate flood risk and mitigation measures

Conservation Officer: minimal visual impact to ACA, and the proposed materials should be assessed further and the overall design.

3.3. **Prescribed Bodies**

Dep. Of Culture, Heritage and Gaeltacht: No objection

Irish Water: No objection

3.4. **Third Party Observations**

- Future link to lands to the south should be provided to avoid random strips
- Foul and surface water connections to serve lands to the south
- Attenuation tank

4.0 **Planning History**

There is no relevant planning history associated with the subject site.

5.0 **Policy Context**

5.1. **Development Plan**

South County Dublin Development Plan 2016-2022

***Strategic Flood Risk Assessment for South Dublin County Council
Development Plan 2016-2022***

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet with the requirements of the EU Waste Framework Directive.

Policy IE2 Objective 5:

To limit surface water run-off from new developments through the use of Sustainable Urban Drainage Systems and to avoid the use of underground attenuation and storage tanks.

The subject site is mainly zoned **RES-N** *to provide for new residential communities in accordance with approved area plans'*

Part of the road frontage of the subject site is located within a land use zoning, **VC** *'to protect , improve and provide for the future development of village centres'.*

The proposed residential development is permitted in principle under the zoning objectives.

Newcastle Local Area Plan 2012-2022

5.5.2.3 Seeks to establish a Historical/ Cultural quarter around the cluster of upstanding medieval monuments and historic structures at the heart of Newcastle's medieval core which is situated at the western end of the village. It is considered that the establishment of such a Historic/ Cultural quarter will enhance the character and identity of the village, improve its visual setting and capitalise on its tourism potential.

LUD4:

The development at the western end of Main Street contributes to the establishment of a Historical/ Cultural quarter.

The subject site is located within the Newcastle Architectural Conservation Area

Newcastle LAP (Environmental Report)

3.7.5 Surface Water

The route of surface water drainage to the Shinkeen Stream follows the contours and direct water, from the higher lands in the south, northwards. There is a small

culvert under the Main St which feeds a pool in the grounds of Glebe House. The larger of the Retention Ponds identified in the Newcastle Parish Map OS 1865 at the western end of Newcastle South Townland still appears to exist in some manner (ground heavily pooled following rainfall). A natural swale exists to the north of the village, just outside of the Plan lands, which leads to the origins of part of the Shinkeen Stream system which crosses the Peamount Road approximately 1km from the centre of the village. There has been recent interference to this swale (as result apparently of creating access to an agricultural field) on a 20-30 metre section of ditch which is causing surface water ponding.

5.2 National Planning Guidance

National Planning Framework 2018

The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018 states new residential development in cities should be directed into locations within the existing built up service areas.

Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and places that work – and will continue to work - and not just for us, but for our children and for our children's children.

The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme

Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2015):

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

5.3 Natural Heritage Designations

The closest European sites to the appeal site are the Glenasmole Valley SAC located c.8km to the south east and the Rye Water Valley / Carton SAC located c.7km to the north of the appeal site at the closest point.

5.4 EIA Screening

Having regard to the planning history of the site, the brownfield nature of the subject site, together with the scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. *Grounds of Appeal*

The appellant Mr. Frank Kerins resides at the Old Glebe House, a protected structure, on the opposite side of Main Street to the proposed development, as it claimed the proposal will materially affect the enjoyment of the curtilage of his lands and reduce the value of same because the proposal may give rise to flooding and a

fish kill. The following is a summary of the relevant points raised on appeal, excluding content that has already formed part of this inspector's report.

6.1.1 Appellant/ Old Glebe House

The Old Glebe House is located on the north side of Main Street practically opposite the proposed development. The Old Glebe House is an 18th century Queen Anne residence, Protected Structure and on the National Architectural Inventory list.

The stormwater sewer to serve the proposed development discharges to an existing stormwater sewer which traverses part of the Old Glebe lands and thereafter via private drains discharging to open drains and an ornamental pond. The ornamental pond has over 100 trout.

There is a history of flooding at The Old Glebe, and the proposal may give rise to flooding and a fish kill due to the discharge of stormwater into sewers that are not in charge of the local authority.

6.1.1 Development Plan policy

The core objectives of the South Dublin County Development Plan is to avoid new developments which may increase flood risk elsewhere from surface water run-off. Lands in the RES-N are highly vulnerable to flooding. The discharge from the proposed new development into private drains has the potential to cause flooding of third party lands and this fact did not form any part of the flood risk assessment carried out by the application documentation.

A report prepared by Thor Design Management submitted as Further Information indicated the water table is high thus unsuitable for a Sustainable Urban Drainage System, and therefore stormwater management is via 2No. attenuation tanks, each with a capacity of 234 cubic metres, one located under the proposed public open space area, and the other under the access roadway. This method of surface water discharge is contrary to Planning policy IE2 Objective 5.

6.1.2 Proposed Discharge of Stormwater

The submission documents with the planning application state the site is fully serviced by existing services including Surface Water Sewer. There is no proper surface water infrastructure to facilitate the proposed development. Condition No. 16 of the decision is cited. In order to comply with the conditions of the permission, the

proposal must be carried out in accordance with the submission documentation. This implies the discharge of stormwater drainage from the site would be via 2 No. underground attenuation tanks and an underground Oil Klargest NSB3 with a hydrobreak before discharging to Manhole No. 6 on an existing 400mm stormwater sewer fronting the site on Main Street. Discharge from the attenuation tanks will be 2 litres per second.

The 400mm public stormwater sewer crosses Main Street to Manholes S10 and S11 fronting the Old Glebe House lands. Manhole S11 discharges via a 450mm stormwater sewer which traverses in a northern direction through The Old Glebe lands. This sewer terminates in an enlarged manhole chamber located in an outbuilding. The external walls of the same outbuilding form the party wall with neighbouring lands. The outfall manhole is located on the neighbouring lands, owned by Mr. Liam Butler. The public stormwater terminates at this location.

A Site Specific Flood Assessment was prepared by FRAI Consulting as part of the planning application. The report failed to address the key issue of the private drains on the northern side of Main Street, and if they become blocked or when the capacity of the drains cannot cope with the discharge. The report did not assess the flood risk to The Old Glebe, and did not propose mitigation measures. Lands to the south of Main Street will be the subject of significant change with stormwater catchment depending on existing infrastructure which is not fit for purpose.

6.1.3 Historical Flooding of Old Glebe House

Up to the mid-1990s the agricultural lands of the southern side of Main Street were drained into a very large dyke along the roadside boundary, and the dyke had an outlet crossing under Main Street and under a number of outbuildings on the Old Glebe lands. Following the construction of 6 No. detached dwellings on the southern side of the Main Street the dyke was replaced by a 600mm surface water pipe which drained into a 250mm under Main Street to a shallow box in the Old Glebe.

Thereafter the Old Glebe flooded 1997, 2000 (x3), 2002. There was significant loss of fish. Extensive remedial works to the garden and fish pond were required. In 2002 following floods the lake had to be dredged, soil and plants had to be replaced, and yards restored, and Irish Waterways restocked the fish pond. In 2002 SDCC

were to carry out remedial works to remedy the flooding problem, but it was slow to react and this resulted in High Court proceedings.

6.1.4 **Stormwater Sewer Traversing The Old Glebe**

A grant of wayleave was entered between Mr. Frank Kerins and SDCC providing access to carry out agreed works consisting of the laying of a 450mm diameter storm water sewer and access to inspect. The wayleave did not extend to private drains. The Board is asked to refer to letter from Atkins McCarthy Engineers dated 30th of June 2006, whereby it is quoted the drainage ***solution is considered an effective short term measure only.***

The landowner of the adjoining lands was unwilling to co-operate with a longterm solution. Therefore, the option chosen was considered to be a short terms measure only. The solution was not designed to cater for additional new developments on zoned lands to the south of Main Street. A drainage system needs to be designed and provided for to facilitate the zoned lands, and all new development is premature in the absence of same.

The developers do not have the consent from Mr. Frank Kerins to discharge stormwater from the development via private stormwater drains at the rear of the Old Glebe which are not under the control of SDCC.

6.1.5 **Drainage Downstream of Stormwater Sewer**

The outfall from the enlarged manhole chamber consists of 2No. 300mm dia private stormwater drains flowing in a northern direction, which feeds to the ornamental pond within an overflow pipe to an open ditch on neighbouring lands. The other pipes remain within the curtilage of Oakville House and discharges to an open drain. The drains will not be able to cope with the additional water from the proposed development. The open ditch drains are private drains and beyond the control of SDCC.

The Ornamental Pond

The ornamental pond is unique, and it has been managed in a garden environment for over 300 years. The pond depends on a supply of high-quality water from the stream on the southern side of Main Street adjacent to the application site. The

water quality in the pond must be protected. The water supply for the pond travels the existing stormwater system.

6.1.6 Other undeveloped adjacent RES-N lands

The application documents states there is a link been provided through the proposed development for foul and surface water sewer for future developments on zoned lands. There has to be a permanent solution for stormwater before this can be allowed to happen. South Dublin Co Co need to provide a permanent solution for the disposal of surface water on zoned lands south of Main Street.

6.1.7 Contamination of Surface Water

The proposed development has the potential for contamination of stormwater sewer by way of illegal disposal of raw sewage by prospective householders. It is imperative that no new connections be allowed access to the existing stormwater system until a new system is provided at the western end of the village.

6.2. Applicant Response

There was a detailed design process for the surface water which included surface water calculations that did not increase existing loadings on the surface water network. According to the civil engineer's calculations the outflow drainage rates will reduce to less than one quarter of the assumed current land drainage rates, therefore reducing the risk of flooding.

There are two engineer reports both of which concluded the proposed development does not create any risk of flooding to adjoining lands. The first party appeal does not include an engineer's report outlining how the development would create a flood risk, and the consultant who prepared the appeal is not qualified to state the development creates a flood risk.

The applicant is currently developing 21No. new houses, commercial units and apartments less than 100metres form the site which has a surface water network installed capable of catering for the proposed development. South County Dublin has stated the alternative route is acceptable in principle, however a formal response has not been received. The alternative proposal would result in no surface water entering Mr. Kerins lands.

6.3. **Planning Authority Response**

The planning authority confirmed it's decision to grant permission for the proposed development and had nothing further to add to the planner's report.

7.0 **Assessment**

7.1. Having examined the appeal file and did a site inspection, I acknowledge there are 2 salient issues with this appeal:

- Principle of the Proposal
- Validity
- Surface water Drainage
- Appropriate Assessment

7.2 ***Principle of the Proposal***

The subject site is located within a village settlement to the rear of existing housing. The Old Glebe, a community centre (St. Finians), a school and a parade of shops are to the north of the site. The planning application submitted include for 22No. houses on zoned serviced lands within the village of Newcastle. The proposed housing scheme was essentially L-shaped blocks of terraced houses until the original design was revised by way of further information requested by the planning authority to revise the design as it was not in keeping with the designated Architectural Conservation Area. I concur with the planning authority's views that the original proposal was uninspiring and insensitive to it's location within Newcastle village. The Newcastle LAP refers this western end of the village as the Historical/Cultural quarter. The overall scheme was revised to 18No. semi detached and detached dwellings with a more sensitive finish and design to its location.

7.3 The subject site is the rear curtilage of a detached dwelling fronting the Main Street,. Newcastle. Currently, the landholding is not been used for any purpose. and is zoned **RES-N** in the current development plan for the area which *to provide for new residential communities in accordance with approved area plans*. I would consider the proposal to be backland development as it is to the rear of existing dwellings positioned along Main Street, and it has minimal road frontage to provide an access and footpaths into the site area.

- 7.4 The proposal represents urban consolidation on serviced lands in line with national planning policy. The density and diversity of the residential development will meet the future housing needs of the community. The site is serviced by physical and social infrastructure located in Newcastle village with a new residential and commercial development currently under construction 100metres from the site.
- 7.5 There are 3No. detached dwellings backing onto the subject site along its northern site boundary. The site layout and design, is respectful of existing residential amenities and neighbourhood character. The proposed development has direct access off Main Street, Newcastle. The proposed road layout also anticipates future development of lands to the south. There are 33No. carparking spaces proposed, including 2No. accessible parking bays and 2No. electric charging bays. The private and open space provision and design is in line with development plan standards and the relevant planning guidelines.

In concluding, the planning principle of the proposed development is acceptable, and the overall design and layout of the scheme as presented in the further information is acceptable.

7.6 **Validity**

The third-party appellant, lives on the opposite side of Main Street to the proposed development in the Old Glebe house, a large property steeped in history and architectural quality. The appellant is concerned about the validity of the planning application having regard to the material changes to the original proposal presented by way of further information. It is submitted that the proposal should have been the subject of revised public notices. According to **Article 35 (1) Planning & Development Regulations 2001, as amended** *Where a planning authority receives further information or evidence following a request under article 33, or revised plans, drawings or particulars following a request under article 34, or otherwise receives further information, evidence, revised plans, drawings or particulars in relation to the application, and it considers that the information, evidence, revised plans, drawings or particulars received, as appropriate, contain significant additional data, including information in relation to effects on the environment, the authority shall-*

(a) require the applicant, within a specified period, to publish a notice in an approved newspaper, containing as a heading the name of the planning authority, marked "Further Information" or "Revised Plans", as appropriate,

Following receipt of the further information, the overall layout of the proposed development remained essentially the same footprint, and the overall density on the site, decreased from 22No. units to 18No. units, the revisions did not represent a material increase in density or impacts. The further information request and subsequent submission is within the remit of the local authority's assessment of the planning application, and beyond the remit of the Board on appeal.

7.7 Surface Water Drainage

The crux of the third-party appeal relates to the surface water infrastructure associated with the proposed development. The applicant is dismissive of the appeal because it is not supported by technical data, however, I consider the third party has presented a case based on local knowledge and case history regarding flooding associated with his property at the Old Glebe, and a threat to the large fish pond to the rear, to warrant further consideration by the Board.

- 7.8 The subject site, 0.71Ha, is gently sloped in a south to north direction, i.e. towards the Old Glebe property. The site contains no drainage features, and the surface water currently drains through percolation into the ground water and run off from the site. The recurring flooding at the Old Glebe is noted in the OPW Flood Hazard Mapping Phase. The CFRAMS Flood Risk Management Plan gives details of significant flood relief schemes carried out reaches of the Griffeen River and Shinkeen River since the flood event that occurred in 2000. The subject site is not located within Flood Zone. Additional surface water runoff generated by the development will be attenuated and discharged with the public surface water sewer at a rate of 2 litres per second through the provision of storage tanks to the volume of 33.3cubic metres.

I note in particular Appendix 3 to the comprehensive technical reports submitted by the applicant on appeal regarding this issue. An alternative surface water discharge route is proposed to the east, which would re-route the stormwater at Manhole S7 east to Manhole S8 and S9 serving the new development at Market Square in the village. The planning authority did not comment on this alternative route, however, it enters a manhole fronting a site near completion along Main Street, whereby the same applicant, Pavement Holdings Ltd, was granted planning permission for an in-depth residential/ commercial development under reference PL06S.248760 in 2017.

I note there will 2No. attenuation tanks proposed on site, one is just inside of the entrance to the site under the service road, and there is a hydrobreak prior to entering manhole S6. This brings the surface water away from the Old Glebe and the large ornamental fish pond to the rear, and bring it towards the more built up hub of Newcastle to the north of Main Street. I am satisfied the concerns expressed by the third party appellant have been addressed by way of the alternative route proposed by the applicant.

- 7.9 The Board should note the applicant carried extensive tests on site, and found the water table to be high on site. The surface water calculations did not represent an increase in on the existing loading of the existing surface water network, in fact, one of the reports calculated the outflow drainage rates would be less than one quarter of the existing land drainage rates, therefore it is submitted, the proposed development in terms of its attenuation proposals and hydropump, would reduce the risk of flooding as opposed to the site creating a flood risk to the Old Glebe property.

Given the third party's site history regarding the flooding of the basement and outbuildings associated with the Old Glebe house, and the sensitivity of the large fish pond to the rear to surface water, I consider the concerns of the third party appellant to be warranted given that the site is located opposite the Old Glebe on a higher ground level. It was originally proposed and permitted by the planning authority to direct the surface water discharge into a manhole that traverses the Old Glebe property. I considered the revised proposals presented on appeal address the concerns expressed in a satisfactory manner.

7.10 Appropriate Assessment

The closest European sites to the appeal site are the Glenasmole Valley SAC located c.8km to the south east and the Rye Water Valley / Carton SAC located c.7km to the north of the appeal site at the closest point.

Having regard to the nature and scale of the proposed development which is proposed to be connected to the public water supply and drainage networks, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant

effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend the planning authority's decision to grant planning permission for the proposed development be upheld.

9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development as amended, to the residential zoning objective for the site as set out in the current Development Plan for the area and to the character of the general area, it is considered that, subject to compliance with the 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, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. 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 plans and particulars submitted on the 18th of April 2019 and to An Bord Pleanála on appeal dated 13th of August 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 permitted development is for 18 No. dwellings only on the subject site.

Reason: In the interest of clarity.

3. The disposal surface water shall comply with the technical requirements of the planning authority and shall be in line with the documents submitted to the Board on appeal as regards discharging to a manhole east of the proposed development **only** along Main Street. Prior to the commencement of the development, the applicant shall agree in writing with the planning authority full details regarding the revised route of the surface water drainage to the east of the site
- 4.
5. , specification of manholes, soakaways, water butts, attenuation tanks, hydrobrakes, in line with The Greater Dublin Regional Code of Practice for Drainage Works, and Sustainable Urban Drainage.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health, safety, and to ensure adequate and appropriate surface water drainage.

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

Reason: In the interest of visual amenity.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.
- (d) The materials used, including tactile paving, in any roads/footpaths provided by the developer to serve the school shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of traffic, cyclist and pedestrian safety.

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

11. The site shall be landscaped, generally in accordance with Landscape Design submitted to the planning authority on 18th of April 2019, in accordance with the detailed requirements of the planning authority. Detailed landscaping proposals shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. The developer shall retain the services of a suitably qualified Landscape Architect (or qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the Parks and Landscape Services Department, and in accordance with the permitted landscape proposals.

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

13. 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.

14. 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 management measures and off-site disposal of construction/demolition waste.

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

15. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 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 amenities of property in the vicinity.

17. A plan containing details for the management of waste, including proposals for operational stage within the development and the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, sewers, watermains and public lighting 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.

19. 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.

Caryn Coogan
Planning Inspector

25th of October 2019