



An
Bord
Pleanála

Inspector's Report ABP-304937-19

Development	Demolition of 2 single storey buildings and the construction of 14 guest accommodation units.
Location	Lands to the rear of the Dalkey Duck Public House, 61 Castle Street, Dalkey.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D19A/0290
Applicant(s)	Solly White's Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Solly White's Limited
Observer(s)	<ul style="list-style-type: none">• Castlemews Management Ltd• Daniela Korcel
Date of Site Inspection	25 th September 2019

Inspector

Paul O'Brien

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1.0 Site Location and Description

- 1.1. The site comprises an outdoor area located to the rear/ southern side of the 'Dalkey Duck' public house located on the southern side of Castle Street in central Dalkey. The site has a stated area of 0.076 hectares. The 'Dalkey Duck' is a two-storey building with seated areas available to the front. The development site to the rear of the public houses appears to be in use as an outdoor drinking area with a mix of hardstanding areas, some areas under grass with young trees and a multitude of seating areas. The site boundary sites of a mix of walls. The development site is elevated such that access from the rear of the public house is via a relatively steep concrete finished ramp. A wall and double gates are provided at the top of the ramp and which can be closed to prevent access to this area. A set of stairs provides access to an open area with evidence of construction work on the day of the site visit.
- 1.2. In addition to the direct access from the 'Dalkey Duck', a second access is available from a short unnamed laneway to the western side of the public house. The primary function of this laneway would appear to be for vehicular access to an adjacent residential development, Castlemews. This residential development consists of apartments located on the corner side of Castle Street and Dalkey Avenue. These are located within a two-storey contemporary designed building. To the east of the site are the rear gardens of two-storey houses forming the Termon residential area and to the south is an overgrown area of land.
- 1.3. The location of the 'Dalkey Duck' is adjacent to a one-way traffic system and street frontage in central Dalkey is generally narrow with limited car parking and set-down areas on street. The DART station in Dalkey, is approximately 420 m from the subject site and bus services are available approximately 60 m from the front door of the 'Dalkey Duck'. Services include local routes to Dun Laoghaire, Killiney and Cherrywood and an hourly service to Dublin Airport and the eastern side of the city.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of two existing single-storey outhouses (consisting of a bin store and office/ storage unit) and an existing outdoor

beer garden and for the construction of 14 individual guest accommodation units.

The following accommodation units are proposed:

- 3 no. single bed units
- 8 no. double bed units
- 3 no. triple bed units – one of which is fully accessible.

Also, to be constructed are replacement keg store, offices, general storage, bin storage, staff welfare rooms and reception area for the guest accommodation.

These are to be located on the ground/ basement floor level with the guest accommodation over, at first floor level. From the submitted plans, access to the development was to be from the laneway to the west of the public house. A lift is proposed that allows access from the ground floor to the first floor/ accommodation level.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons as follows:

1. Having regard to the design, layout and height, specifically its proximity to site boundaries, overall length and extent of new built form, it is considered that the proposed development would be visually prominent and overbearing on adjoining properties. It is considered that the proposed development fails adequately protect existing residential amenities and is therefore contrary to the land use zoning Objective A' – 'To protect and/or improve residential amenities'. It is considered that the proposed development would seriously injure the amenities, or depreciate the value, of property in the vicinity and is therefore considered to be contrary to the proper planning and sustainable development of the area.

2. Having regard to the overall design, scale and layout of the proposed development, it is considered that the proposed development would result in overdevelopment of the site and would be visually dominant within a restricted site. It is considered that the proposed development fails to have adequate regard to its setting and context and would not provide for a sufficiently high-quality amenity for

future guest, particularly within outdoor spaces. It is considered that the proposed development would be contrary to the provisions of Policy UD1: 'Urban Design Principles' in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and would set an undesirable precedent for future development. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to refuse permission for the proposed development, though it is made clear that the site may be suitable for some form of guest accommodation. The planning authority case officer reports that in addition to addressing the reasons for refusal, any future *'...development should clearly demonstrate that there is an ability to both construct and access any future development'*. The case officer also reported that *'...all details submitted as part of any future application are entirely accurate'*.

3.2.2. Other Technical Reports

Drainage Planning – Municipal Services Department: No objection to the proposed development subject to recommended conditions.

Transportation Planning: Further information is requested in regard to the provision of a suitable guest set down/ pick-up facility and also details of vehicle manoeuvres for car/ small delivery/ service vehicle.

Parks and Landscape Services: No objection.

Conservation Division: The Planning Authority case officer has reported that a verbal report was received, and the design of the proposed units was considered to be out of character with the area.

3.2.3. Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht: Further information requested with regard to the carrying out of an archaeological impact assessment of the subject site.

3.3. Objections

A total of five letters of objections were received and in summary the main issues related to:

- The development would be out of character with the area and its established density.
- The development would be overbearing on neighbouring properties.
- The development would give rise to overshadowing and a loss of light to neighbouring properties.
- Issue of nuisance with reference to evening noise from the development.
- Concern about the existing kitchen ventilation system in terms of noise, odours and vibration. The proposed development may result in extended periods of use of the ventilation system resulting in negative impacts to neighbouring residents.
- Issue of authorised nature of the beer garden and other elements of the existing public noise may be unauthorised.
- Concern about the indicated red line of the development site may result in this development becoming a separate entity to that of the existing public house.
- Lack of consultation with adjoining landowners/ residents.
- Concern about the site levels. Survey was undertaken two years ago and extensive landscaping undertaken since, may have resulted in the raising of ground levels.
- Concern about the description of development and calculated measurements.
- Issue about the use of a private water supply to serve the development.
- Question how the proposed units will be maintained with reference to the elevations facing neighbouring properties.
- Construction of the development may impact negatively on adjoining properties.
- Negative impacts on the Dalkey Architectural Conservation Area (ACA).
- Overdevelopment of the site.
- The development is similar to a caravan/ glamping park/ holiday park.
- The proposed development is visually obtrusive.
- Lack of screening will have an impact on neighbouring properties.

- Inadequate separation distances between the development and existing residential units in the area.
- Potential for light intrusion from the development.
- Concern about the use of the lane adjacent to the development and Castlemews.
- Concern about the construction phase of development and impact it would have on the area as well as potential public safety issues.
- The proposed development would set a poor precedent for similar developments in the area.

4.0 Planning History

P.A. Ref. D17A/0988, ABP Ref. PL06D.301821 refers to an October 2018 decision to grant permission for the retention of a single storey administration/ office extension to the rear of the 'Dalkey Duck'.

This is the most recent relevant application on this site. Previous applications for extensions and alterations to this public house are listed as having been granted in the early 2000s and 1990s.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the site is primarily zoned A '*To protect and/ or improve residential amenity*'. 'Residential' development is listed as 'Permitted in Principle' and 'Hotel/ Motel' is listed in the 'Open for Consideration' category.

A small section of the site is zoned NC '*To protect provide for and/or improve neighbourhood centre facilities*'. The 'Dalkey Duck' is also located within NC zoned lands. 'Guest House' is listed as 'Permitted in Principle' and 'Hotel/ Motel' is listed in the 'Open for Consideration' category.

- 5.1.2. The site is located adjacent to the 'Dalkey Architectural Conservation Area' (ACA) and a Statement of Character has been prepared setting out the character of the area and any relevant planning requirements. The original building forming the

'Dalkey Duck' and the buildings along Castle Street are located within the Architectural Conservation Area.

- 5.1.3. The site is located within an 'Archaeological Zone of Interest' – no. 023-023 refers and includes 'Historic Town', Church, Castle, Graveslab, Holy Well, Cross and Town Defences.
- 5.1.4. The role of tourism is identified in Chapter 3 – 'Enterprise and Employment' of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. Policy E14: Tourism and Recreation states *'It is Council policy to co-operate with the appropriate agencies in promoting sustainable tourism and securing the development of tourist and recreation orientated facilities in the County'*.
- 5.1.5. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and Car Parking Standards under 8.2.4.5, Cycle Parking under 8.2.4.7 are noted.

5.2. **Natural Heritage Designations**

None.

5.3. **EIA Screening**

Having regard to the nature of the proposed development comprising 12 guest accommodation units and replacement storage/ public house ancillary floor space, in an established urban area and where infrastructural services are available, 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 applicant has appealed the decision of the Planning Authority and have engaged the services of Hughes Planning & Development Consultants to prepare the appeal. The following comments are made:

- The development will not impact negatively on existing residential amenity.
- A further information request should have been issued.
- Letter of support for this development have been provided.
- A revised design with supporting details has been provided that are considered to address many of the issues of concern raised by the Planning Authority. The revisions include the omission of two units such that 12 are now proposed; the applicant would prefer if the submitted proposal was permitted. Roof pitch has been reduced by 300 to 600 mm and the massing has been revised.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority have commented on the appeal and its supporting documentation. The number of units has increased from 10 discussed during pre-planning to the submitted 14. The development does not have regard to the residential amenity of the area and reasons for refusal including access, excavation and construction, have not been addressed. The letters of support are noted but many of these are not from people living adjacent to the site. The Planning Authority request that the decision to refuse permission be upheld.

6.3. Observations

- 6.3.1. Observations have been received from two of those who originally objected to this development. One observation was prepared by bps planning consultants on behalf of Castlemews Management Company (apartments to the west of the site) and the other observation was by an individual living at Termon, Castle Street. Termon is the residential development located to the east of the subject site. The main planning issues include:

- Overshadowing/ overbearing of adjoining properties.
- Nuisance from noise from residents staying here.
- Negative impact to residential amenity.
- Overdevelopment of the site.
- Contrary to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.
- Backland development and impact on the visual amenity of the area.
- Traffic hazard due to construction vehicles utilising the adjacent laneway.
- Recommended reasons for refusal have been provided by bps.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following heading:

- Principle and Nature of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Appropriate Assessment Screening
- Other Matters

7.2. **Principle and Nature of Development**

7.2.1. The proposed development is in summary, for the provision of 14 guest accommodation rooms and for the provision/ replacement of ancillary floor area associated with the existing 'Dalkey Duck' public house. Existing stores/ outbuildings and beer garden associated with the public house will be demolished and removed to make way for the development. In support of the appeal, the applicant has provided revised elevational drawings, floor plans and supporting documentation with a reduction in the overall number of proposed guest units from 14 to 12.

- 7.2.2. It is considered that the applicant has provided a significant amount of detail in support of the application and subsequent appeal and although this is an unusual development to visually illustrate, the submitted details are of a good quality. It is therefore disappointing that insufficient detail has been provided with regards to how the proposed development will operate in practical terms. Submitted details are somewhat vague as to whether the guest accommodation will operate independently of the existing public house. I note that a reception area is provided at ground floor/ basement level and that implies that guests could enter from the laneway to the west of the site and not enter through the existing public house, though again, this is not definite or clear from the submitted details. The implications of this will be assessed further in this report.
- 7.2.3. The site is zoned 'A' and it is considered that the development of guest accommodation would be acceptable in principle on such zoned lands. I note that Guest House and Hotel/Motel are listed within the Open for Consideration category of zoning objective 'A' and the development would therefore be similar to these listed uses.

7.3. Design and Impact on the Character of the Area

- 7.3.1. The proposed development is unusual in terms of its design and layout. The buildings to be demolished and removal of the beer garden do not negatively impact on the visual amenity of the area as they are mostly screened from public view through their location and relatively modest scale. The provision of individual guest units is unusual in such an urban context, where normally they would be developed within a single building with shared facilities, access etc. The design of these units is more akin to what may be found in a rural location. The external treatment of the guest units is to be a mix of stone cladding and fair-face concrete with wood texture or similar.
- 7.3.2. I consider that the reduction in units from 14 to 12 is appropriate having regard to impact on the visual amenity as viewed from existing residential units. The removal of two units reduces the overall bulk of the development and allows for a consequential reduction in overall height of the remaining units. Proposed Sectional Elevations AA on Drawing no. 1702-02-01 Revision B, indicates the reduction in

visual impact when viewed from the east of the site from the 'Termon' houses. The removal of unit 12 from the east of the site and the revisions to unit 11 are visually acceptable. The units on the western side of the site have also been reduced in height and Unit no. 1 has been omitted from this side. The reduction in height is by 600 mm in places which is significant. In addition to the removal of units and reduction in height, the proposed units have been provided with a roof with a gentler pitch than was previously proposed and again this is considered to be visually appropriate.

- 7.3.3. It was noted on the site visit that buildings in the immediate area are generally finished with render/ plastered elevations, however the use of stone was evident in a number of locations such as boundary treatments in Termon. The use of stone increases further into the village on the external treatment of the castles and church. It is therefore considered that the external treatment of these units is visually acceptable. The proposed external treatment is of a type that is found in Dalkey and is not out of character with the area. I do not consider that the development is contrary to the provisions of Policy UD1 of the current Dun Laoghaire-Rathdown County Development Plan and in fact it is in accordance with the general principles of this Development Plan Policy.
- 7.3.4. The Planning Authority Case Officer commented that a verbal report was received from the Conservation Officer; in the absence of a written report it is not possible to comment on the Conservation Officer's thoughts.
- 7.3.5. Therefore, having regard to the reduction in unit numbers, the revisions to overall height and roof slope and the proposed material finishes, it is considered that the proposed development is visually acceptable and appropriate in this urban location. Existing boundary treatments are to be retained and the submitted cross-sections indicate that it is primarily the roof of these units that will be visible from outside of the site.
- 7.3.6. Although the majority of the site is zoned 'A' which seeks to protect residential amenity, the location is within the centre of Dalkey village and is surrounded by an apartment development to the west and terraced houses to the east. The proposed density of development is not excessive for such an urban location. With the removal of two units from the proposed development, there is a consequential

increase in the amount of open space/ planting area provided on site. The development as revised does not therefore impact negatively on the existing character of the area.

7.4. Impact on Residential Amenity

- 7.4.1. I note the reasons for refusal as decided by the Planning Authority. I do not consider that the development will be overbearing on existing neighbouring properties. The overall design has been carefully considered with the use of pitched roofs provided to reduce the potential bulk of the units and as already noted, the heights of the guest units have been reduced from what was originally submitted to the Planning Authority. It is not foreseen that the development will be overbearing on existing residential units. The applicant has submitted a shadow analysis which does not give rise to any significant concern regarding loss of light to adjoining properties.
- 7.4.2. There may be a perception of overdevelopment when viewed from the existing adjoining residential units, however this would be the case if any residential or similar development were constructed on this site. Having regard to the zoning of the site and its location, the proposed development may be less dense and visually obtrusive than other forms of potential development that could take place on this site in accordance with the 'A' zoning objective. Two storey development on such a site cannot be considered as being out of character with the existing pattern and form of development in the area. Overlooking leading to a loss of privacy is not foreseen.
- 7.4.3. It was evident from the site visit that the existing site provides for a significant amount of outdoor seating and can therefore accommodate a large number of people in such a setting. The submitted site layout plan indicates that the amount of outdoor seating will be significantly reduced to a limited number within the ground level courtyard and which will be almost entirely surrounded by buildings, which should result in a significant reduction in noise from what may occur at present. In addition, the layout of the proposed guest accommodation encloses access to the units and the open space areas which again should reduce any potential for excessive noise nuisance. It is difficult to envisage that the proposed development would be a greater nuisance than the current layout may cause to residents in the area.

- 7.4.4. I am uncertain what the concern of the Planning Authority is with regard to the non-provision of *'a sufficiently high-quality amenity for future guest (sic), particularly within outdoor spaces'*. From the submitted information and description of development, this is for short term guest accommodation similar to a hotel/ guesthouse. The provision of open space is not usually a requirement in such a situation as there is no long-term residency. The provision of available open space appears greater than may be the case for a hotel or similar. Similarly, room sizes are not a matter for the Planning Authority as these are set by Fáilte Ireland as part of its statutory role in setting minimum standards for hotels. The proposed development as revised and submitted in support of the appeal provides for a good quality of amenity for the guests staying here and is on a par with a similar sized guesthouse or hotel.
- 7.4.5. A poor level of detail has been provided with regard to the day to day operation of this facility with particular reference to guest access and management of the facility. It is unclear if access will be limited to when the public house is open or if access will be from the gateway to the western side of the site. Generally, access to such accommodation would be available 24 hours a day, so daytime access could be through the public house during the day and via the side gateway outside of hours. The reception at ground floor level appears to be a management office more than a standard staffed reception. It is considered that the small scale of the development may not warrant a 24-hour reception independent of the public house. The limited use of the side gates would not impact negatively on the residential amenity of the occupants of the Castlemews apartments.

7.5. Access and Transportation

- 7.5.1. The comments of the Dun Laoghaire-Rathdown County Council Transportation Department are noted with regard to the provision of details in relation to delivery vehicle access. The guest accommodation aspect of this development is unlikely to generate a significant amount of additional goods/ delivery traffic having regard to the limited scale of development. Other than laundry collections and occasional maintenance requirements, it is not foreseen that significant additional vehicular movements will occur, nor will the development generate significant additional

volumes of waste. Delivery and collection associated with the public house will continue in the current manner and should be able to accommodate any additional volumes associated with the guest accommodation.

- 7.5.2. No car parking is proposed for this development. I note the requirements of the Dun Laoghaire-Rathdown County Development Plan in this regard and the comments of the Transportation Department. The non-provision of parking was not identified as a concern and I would agree with this. The nature of this facility is that guests will pre-book and will be made aware that no parking is available. A direct bus service to Dublin Airport in the form of Aircoach route 703 is available within 100 m of the site and the DART station is also within walking distance; public transport provision in the area is generally good. A taxi stand is available across the street on Ulverton Place, 25 m from the front door of the 'Dalkey Duck'.
- 7.5.3. The Transportation Section sought further information in relation to details of a location for a guest set-down/ pick-up area. Considering the location of public transport facilities and the location of the taxi stand, it is considered that the provision of such a facility would be excessive for a 12-room development. The number of daily movements would be low and a location near the guest houses reception may require a significant alteration of the proposed development without any benefit to the applicant or third parties. I therefore consider that the requirement for such a facility to be excessive and unnecessarily onerous for the scale of the proposed development.

7.6. **Appropriate Assessment Screening**

- 7.6.1. The applicant has prepared an Appropriate Assessment Screening and in summary the proposed development is not located in a Natura 2000 site and no direct or indirect impacts on any sites within 10 km are foreseen. There is therefore, no need to progress to a Stage 2 Natura Impact Assessment.
- 7.6.2. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

7.7. Other Matters

- 7.7.1. It is noted that several the objectors and the observation on behalf of Castlemews Management Company raised issues relating to unauthorised development and potential future development. These are not issues for consideration in this appeal and are a matter for the Planning Authority to address in accordance with the Planning and Development Act 2000 as amended.
- 7.7.2. I note the comments of the Department of Culture, Heritage and the Gaeltacht. In the event that permission is granted, the applicant should be conditioned to carry out the necessary archaeological assessments and if significant materials are found, the development may not proceed or may require significant revision requiring a new a planning application.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the zoning for residential purposes, to the location of the site in an established urban area within the centre of Dalkey Village and to the nature, form, scale and design of the proposed development, 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. 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 submitted on the 30th of April 2019 and by the further plans and particulars received by An Bord Pleanála on the 18th of July 2019, except as may otherwise be required in
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission is for demolition of two single-storey building and the construction of 12 guest accommodation units and replacement storage/ ancillary buildings to the rear of the 'Dalkey Duck' public house. The development of the guest accommodation to be carried out in accordance with the revised 'Proposed First Floor/ Garden Level Plan' - Drawing No. 1702-01-02 Revision B received on the 18th of July 2019.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The proposed guest accommodation shall be used only as a short-stay tourist accommodation facility, with a maximum occupancy period of two months, and shall not be used for permanent occupation or for use as a student residence. It shall be retained in single overall ownership with the adjoining public house.</p> <p>Reason: In the interest of orderly development and to protect residential amenities.</p>
4.	<p>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:</p> <p>(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</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>

5.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock ups. These details shall include photomontages, colours, textures and specifications.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>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.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
9.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
10.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during</p>

	<p>the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
12.	<p>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.</p> <p>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.</p>

Paul O'Brien
 Planning Inspector

11th October 2019