



An
Bord
Pleanála

Inspector's Report ABP-306113-19

Development

20 houses and associated site works on undeveloped lands as granted permission under P.A. Ref. 06/4599 and further extended under P.A. Ref. 13/8264. The development to consist of 3 no. 4 bedroom units, 15 no. 3 bed units and 2 no. 2 bedroom units.

Location

Ashtown, Ballinafunshogue, Roundwood, Co. Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

19/1028

Applicant(s)

KPH Construction and Development Ltd.

Type of Application

Permission

Planning Authority Decision

Grant permission with conditions.

Type of Appeal

Third Party

Appellant(s)

Billy & Joanne Meagher
John Malone & Caroline Rice
Jonathon & Shirley Harty

Seamus & Magdalen Kennedy

Marjorie Travers

Mark & Caroline Flynn

Lorraine Creane & Tomás Kelly

Trevor & Lorraine Dalton

Ian & Emma Sibley

Darrin & Celine Daly

Observer(s)

None.

Date of Site Inspection

3rd March 2020

Inspector

Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site in the Ashtown, Ballinafunshogue part of Roundwood, Co. Wicklow, consists of a stated site area of 1 hectare. The appeal site is an irregular shape and includes part of the existing Djouce Meadow residential development and undeveloped lands to the south west of the existing housing area. The site is located to the north western side of the existing Roundwood urban area and is accessed from the R755, Roundwood to Kilmacanogue Road.
- 1.2. Djouce Meadow is a low-density residential development of detached and semi-detached single storey and dormer houses. The site is characterised by these house types and the provision of a number of areas of public open space. The subject lands including the existing developed areas fall on a west to east axis towards the public road.
- 1.3. The undeveloped lands subject to this appeal are fenced off by Harris fencing. The lands are under grass but there are also construction materials, mounds of earth and a storage container on these lands. The site appears to be secured from access for some time.
- 1.4. The lands to the west and south west are in agricultural use and those to the south east are in residential use. A block wall provides the boundary along part of the southern side of the site.

2.0 Proposed Development

- 2.1. The proposed residential development consists of the following:
 - 20 houses in the form of:
 - 2 no. two bedroom, semi-detached units
 - 14 no. three bedroom, semi-detached units
 - 1 no. three bedroom, detached unit.
 - 3 no. four bedroom, detached units
 - All necessary site works.

The proposed houses are located on lands that permission was granted for but not implemented under P.A. Ref. 06/4599 and further extended under P.A. Ref. 13/8264.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to conditions. The conditions are generally standard. Specific conditions relate to the restriction of two out of the 20 houses for local residents in accordance with the Wicklow County Development Plan 2016 – 2022, landscaping details to be provided and open space to be provided and dedicated to the use of the residents.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Authority Case Officer's report indicates that a further information request was recommended with respect to storm water attenuation/ treatment, evidence that the applicant has consent to make a water supply connection, road/ footpath construction details and a request that the applicant consent to a condition restricting a number of the houses for local needs only in accordance with development plan requirements. The Senior Engineer noted the report/ recommendation and decided to direct that a grant of permission be issued to include relevant conditions.

3.2.2. **Other Technical Reports**

Housing Directorate: Location and spread of Part V housing is acceptable.

Roads Department: Further information request recommended with respect to road/ footpath design and construction details.

Wicklow Area Engineer: No objection. Note that the existing road network has capacity to accommodate the additional traffic.

Wicklow County Fire Service: No objection subject to conditions.

3.2.3. **Prescribed Bodies Reports**

Irish Water: No objection subject to conditions.

Dublin City Council – Vartry Waterworks: Two reports received, the first on the 15th of October 2019 and the second of which is dated 21st of October 2019, indicated that there is no objection to the development, but the applicant is to demonstrate that the existing storm water attenuation tank is in good condition.

3.2.4. **Objections/ Observations**

A number of letters of objection were received to the original application. Issues are similar to those raised in the grounds of appeal and in summary they include:

- The additional 20 houses would be contrary to the Wicklow County Development Plan which limits a single development to no more than 40 units.
- The development does nothing to address the current housing crisis.
- The development does not respect the existing density and character of development at Djouce Meadow. Including the existing houses on site, the density will increase to 25 units per hectare an increase from the original density of 10 units per hectare.
- The existing road network will have to cope with an increase in car numbers.
- Potential traffic hazard through the increase in cars accessing the area. There is a need for additional traffic control measures to ensure the protection of vulnerable pedestrians.
- No visitor parking is provided and cars parking on the roadside edge may block emergency vehicles.
- Issue of surface water flooding in the area.
- Impact on climate and biodiversity through the need for car commuting to serve this high-density development. There is currently no public transport serving Roundwood.
- Request that consultation between the developer and the existing residents be had.
- Water and electricity supply issues in the area.
- Problems in the area with foul drainage.
- The proposed development will result in a loss of public open space.

- Concern that the development may allow for access to adjoining lands for similar or larger residential developments.
- Need for environmental impact assessment.
- Development is similar to previous applications on this site.
- There is a lack of retail and employment opportunities in the Roundwood area.

4.0 Planning History

P.A. Ref. 06/4599/ ABP Ref. PL.27.226015 refers to a May 2008 decision to grant permission for 12 houses. 17 houses were applied for, Unit no. 10 was conditioned to be removed to provide additional open space and Units 31 to 34 to be omitted but may form the subject of a separate planning application.

P.A. Ref. 08/998 refers to a September 2008 decision to grant permission for 4 dwellings on sites no. 31 to 34 as originally applied for under P.A. Ref. 06/4599/ ABP Ref. PL.27.226015.

P.A. Ref. 08/1780 refers to a December 2008 decision to grant permission for the change of house type on site no. 34.

P.A. Ref. 08/1781 refers to a December 2008 decision to grant permission construction of two houses on the site no. 30.

P.A. Ref. 13/8264 refers to a June 2013 decision to grant the extension of duration of permission under P.A. Ref. 06/4599/ ABP Ref. PL.27.226015 such that it expires on the 17th of August 2018.

P.A. Ref. 16/1168 refers to a July 2017 decision to refuse permission for the construction of 24 houses on an undeveloped portion of land as granted permission under P.A. Ref. 06/4599/ ABP Ref. PL.27.226015. The reasons for refusal included in summary, density and the submitted development being out of character with the existing form of housing in the area and public health concerns due to a deficiency in the proposed water supply and unacceptable surface water drainage proposals as submitted.

P.A. Ref. 17/1151 and ABP Ref. 301753-18 refers to a February 2019 decision to refuse permission for 20 houses due to a deficiency in public water supply to serve the development.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the **Wicklow County Development Plan 2016 – 2022**, the site is located within Roundwood which is defined as a Level 6 Settlement – Rural Town. These are settlements with a good range of infrastructural services and have ‘the potential to consolidate rural development needs’ such as schools, shops etc. Chapter 2 – ‘Vision and Core Strategy’ provides for an increase from 313 houses in 2011 to 465 houses in 2022, within the development area of Roundwood. The following are relevant to this application/ appeal:

- Section 4.3.4 advises that infill development shall generally be at a density that respects the established character of the area.
- Section 2 of Appendix 1 offers guidance on density. ‘On greenfield type sites at the edge of the core, a suitable transitional density will be required between the built-up part of the town and its more rural hinterland’.

5.2. **Roundwood Settlement Plan 2016 – 2022** forms part of the Wicklow County Development Plan. The subject site is located within the Settlement Boundary and on lands designated as a ‘Secondary Development Area’.

The Secondary Zone Vision is ‘To provide for the sustainable development of a mix of uses including residential, employment, community and recreational uses that provide for the needs of the existing settlement and that allows for the future growth of the settlement’. Relevant Objectives are:

- Allow for the limited extension or ‘spill-over’ of the primary lands onto the secondary lands which immediately adjoin the boundary of the primary lands. New development of this type should be compatible with or reinforce the function of the primary lands and shall be visually and physically linked with the primary core. No development will be permitted that prejudices the viability and function of the primary lands.
- In existing residential areas, it shall be an objective of the Council to protect existing residential amenity and to provide for infill residential development at a

density and design that reflects the established character of the area in which it is located.

- Allow for new residential developments, including a mix of residential options within an attractive and accessible setting, at appropriate locations which have safe access to the public road network, which have pedestrian links to the primary lands, and which are served by appropriate water and sewerage infrastructure, and which, if possible are in proximity to community and public services.
- Promote densities in the order of 15 dwelling units per hectare. A higher or lower density may be considered appropriate, having regard to the context of the site and the prevailing density in the vicinity of the site.

The following Specific Local Objectives are considered to be relevant:

‘2. To facilitate the provision of pedestrian and cycling linkages within and between existing and new housing/mixed use development throughout the settlement’.

‘5. All development proposals shall appropriately address the protection of waterways connected to the Vartry Reservoir, which is designated a proposed Natural Heritage Area (pNHA) and is hydrologically linked to protected European sites downstream’.

National Monuments - Roundwood

Approximately 240 m to the north west of the subject site is a cluster of archaeological remains. These consists of:

Church – Code – WI018-01001

Ecclesiastical enclosure – Code – WI018-001002

Font – Code – WI018-001003

Bullaun Stone – Code – WI018-001006

5.3. National Guidance

5.3.1. National Planning Framework – Project Ireland 2040

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites. Policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Other relevant policies from the NPF include the following:

- NPO 6 – Regenerate/ rejuvenate cities, towns and villages.
- NPO 13 – Relax car parking provision/ building heights to achieve well-designed high-quality outcomes to achieve targeted growth.

5.3.2. **Sustainable Residential Development in Urban Areas (DoEHLG, 2009)**

These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Chapter 6 sets out guidance for residential development in small towns and villages.

5.4. **Natural Heritage Designations**

The subject site is not located within any Natural Heritage designated lands. Vartry Reservoir NHA is located approximately 540 m to the east of the subject site and the Wicklow Mountains SAC (Site Code 002122) are located 2.7 km to the west.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The residents of nos. 1 – 3, 7 – 9, 13 and 15 to 17 Djouce Meadow, Roundwood have appealed the decision of Wicklow County Council to grant permission for the development of 20 additional houses. The following comments are made:

- The existing wastewater treatment plant at Roundwood is operating in excess of available capacity.
- Existing surface water attenuation on site is not sufficient to meet demand.
- Issue of land ownership. The appellants claim they own the open space within which an attenuation tank is proposed to be installed by the applicant.
- The development may allow for access to adjoining lands and subsequent similar residential development.
- The road network will not be able to cope with the additional traffic.
- Density is in excess of the Roundwood Settlement Plan which proposes a density of 15 units per hectare.
- The development will not provide for sufficient public open space.

The appellants wish to see the site completed but not at the density and in the form of development as proposed.

6.2. Applicant Response

The applicant has engaged the services of 'The Padraig Smith Partnership' to prepare a response to the third-party appeal. The following points are made:

- A similar application under P.A. Ref. 17/1151 and ABP Ref. 301753-18 was refused permission for a single reason that related to a deficiency in public water supply and the development was premature pending the provision of an adequate water supply to serve the development. This issue has been addressed in the current application; Irish Water have reported no objection to this development.
- The Density and Scale of development was previously considered to be acceptable.
- Adequate open space is to be provided.
- Surface water drainage/ attenuation was considered to be acceptable under the previous application - P.A. Ref. 17/1151 and ABP Ref. 301753-18.
- There is no indication that the Planning Authority Case Officer was considering refusing this development.

6.3. **Planning Authority Response**

- None

7.0 **Assessment**

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

- Nature of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Water Supply and Drainage
- Other Issues
- Appropriate Assessment Screening – Natura Impact Statement

7.2. **Nature of the Development**

- 7.2.1. The proposed development is located on lands designated for Secondary Development as indicated in the Roundwood Settlement Plan, which forms part of the Wicklow County Development Plan 2016 – 2022. The development of existing villages/ settlements is encouraged through the National Planning Framework and in particular National Policy Objectives 6 and 35 seek to regenerate existing settlements and encourage infill development as appropriate.
- 7.2.2. The development of housing on these lands is therefore acceptable in terms of compliance with local and national policy. The development will utilise/ connect into existing infrastructure in the form of the residential road network, water/ drainage services and open space.

7.3. **Design and Impact on the Character of the Area**

- 7.3.1. A total of 20 houses in the form of semi-detached and detached units are proposed and are located to the western and southern side of an existing cul-de-sac. The majority of the units will address/ face onto an existing area of public open space.

- 7.3.2. The development site area is stated to be one hectare and therefore the density will be 20 units per hectare. I consider this to be acceptable in terms of integration with the existing form of development in the immediate area, in terms of completion of the Djouce Meadow residential development and in ensuring an appropriate use of serviced lands.
- 7.3.3. The existing form of development within Djouce Meadow is primarily detached housing with semi-detached and terraced houses adjacent to the subject site. The proposed development and its layout will ensure a good integration with the existing residential development. The design of houses is also similar to the existing houses on site and again will ensure a high quality of visual integration.
- 7.3.4. From the site visit it was evident that a number of areas of public open space were provided on site, though not all of these were of a suitable size or layout to provide for high quality amenity spaces. The subject development provides for units' number 18A/18B, 19A/19B and 20A to be partially located on public open space. This results in the division of a large area of open space into two smaller sections, though additional open space is provided. The larger of the two open space areas is stated to be 1,700 sq m and the smaller is 928 sq m and as they are suitably overlooked by adjacent houses, they will function as high quality public amenity spaces. The larger area will provide for a rectangular area of approximately 35 m X 40 m; this is of greater amenity value for active recreational use than the current relatively narrow strip of open space. It is therefore considered, having regard to the overall Djouce Meadow development, that adequate and suitably high-quality public amenity space is available to serve all residents in the area.

7.4. Impact on Residential Amenity

- 7.4.1. As already reported, the site is suitably zoned for residential development and the proposed density is acceptable having regard to national policy. Public amenity space is available in close proximity to these houses. Unit and room sizes are generally acceptable.
- 7.4.2. Adequate private amenity space is allocated to each house in the form of rear gardens with depths of at least 11 m. In-curtilage car parking is provided for each house. Other than house numbers 27A and 27B, which are two-bedroom units, all houses are provided with two car parking spaces.

7.4.3. I do not foresee that the proposed development will impact negatively on existing houses in the area in terms of overlooking leading to a loss of privacy. Similarly, I do not foresee that overshadowing leading to a loss of daylight will occur, primarily through the proposed site layout.

7.5. Access and Transportation

7.5.1. The proposed development includes the extension of the existing cul-de-sac to the western side of Djouce Meadow that encloses an open space area on three sides. The fourth/ south eastern side is effectively enclosed by a proposed footpath. No other significant alterations/ additions to the road network are proposed. Additions to the footpath network are proposed that will serve the subject houses.

7.5.2. Having regard to the proposed and existing development, I do not foresee that there will be a significant increase in traffic that will give rise to traffic safety and/ or congestion. The existing road networks appears to have sufficient capacity to accommodate the additional traffic that these 20 houses will generate.

7.6. Water Supply and Drainage

7.6.1. The most recent application on this site, with a decision date of February 2019, that was refused permission under P.A. Ref. 17/1151 and ABP Ref. 301753-18 referred only to a deficiency in the public water supply and that the development would be premature pending the resolving of this issue. Irish Water have now reported that they have no objection to this development and therefore water can be suitably supplied to these houses. Irish Water note that the water main serving the site is not taken in charge and that the applicant would have to get consent to make a connection.

7.6.2. The Planning Authority Case Officer noted the report from Dublin City Council (DCC) dated 15th October 2019, requesting further information in relation to the proposed surface water drainage system. I note that DCC submitted a second report dated 21st of October 2019. This confirmed that the proposed storm water attenuation was acceptable subject to the applicant confirming that the tank was in good condition. This issue can be addressed by way of condition and I consider that the applicant can adequately attenuate and dispose of surface water. There is no record of flooding on this site.

7.6.3. Irish Water have reported no concern regarding the provision of suitable foul drainage to serve the development. No issues regarding capacity have been raised by Irish Water.

7.6.4. I therefore consider that water can be adequately supplied to serve this development and that suitable surface water drainage can be provided as required.

7.7. Other Issues

7.7.1. The appellants have raised issues of consent/ ability to make the application on a number of occasions in their appeal. I have noted these comments, however the onus is on the applicant to comply with issues of consent. Similarly, the ability to connect to existing services that are in the control of third parties, are legal matters and in accordance with the provisions of Section 34(13) of the Planning and Development Act 2000 as amended, 'person shall not be entitled solely by reason of a permission under this section to carry out any development'.

7.7.2. I note that the Planning Authority included a condition (no. 3) in their recommendation to grant permission, that restricts the occupation of two houses to persons who can demonstrate that they comply with the Settlement Strategy for Level 6: Rural Towns as set out in the Wicklow County Development Plan 2016 – 2022. I note that the development plan requires that 25% of houses in a multi-unit development be restricted to those who can demonstrate that they have lived or worked in the County prior to the occupation/ purchase of a house. I am not sure why the Planning Authority conditioned that only two houses be so restricted when it should be 5 units. However, I have noted Section 47 of the Planning and Development Act as amended and which refers to agreements regulating the development or use of land. Section 39 of the Act does restrict the use of a structure and may specify the use of a dwelling by persons of a particular class or description. In the subject case, the development is for 20 houses and the restricting of occupancy does not alter the fact that 20 houses will be provided and will be occupied. The occupants of these 20 units will have similar needs and use of public services including roads, drainage/ water supply and open space. I therefore consider that this condition is unnecessary and as worded it does not 'do some good in terms of achieving a satisfactory standard of development' (Development Management Guidelines, 2007). Whilst the intention is to support 'the objectives of

the development plan' (Development Management Guidelines, 2007), the omission of this or a similarly worded condition will not impact on the visual or residential amenity of the area and will not impact on environmental protection or public infrastructure provision.

- 7.7.3. Having regard to the separation distance and nature of development, I do not foresee any impact from the development on the archaeological site to the north west of the subject site.

7.8. Appropriate Assessment Screening

- 7.8.1. 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.

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 nature, extent and design of the proposed development and the provisions of the Wicklow County Development Plan 2016 -2022 and the Roundwood Settlement Plan, 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 provide for a suitable density of housing in this Level 6 settlement in accordance with County and National policy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 19th of September 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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. Roof colour shall be blue-black, black, or dark grey only.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>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.</p> <p>Reason: In the interest of pedestrian safety.</p>
4.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<p>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</p>

	<p>prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
6.	<p>All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.</p> <p>Reason: To ensure the timely provision of infrastructural works for the development.</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>The applicant or developer shall enter into water and/ or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<p>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. Any existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>All rear gardens shall be bounded by block walls, 2 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.</p>

	<p>Reason: In the interest of residential and visual amenity.</p>
11.	<p>The landscaping scheme indicated on the Site Layout Plan - Drawing no. PP/03-01(a), as submitted to the planning authority on the 19th of September 2019 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
12.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate is to be signed off by the Landscape consultant when all works are completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the Planning Authority for written agreement upon completion of works.</p> <p>Reason: In the interest of amenity.</p>
13.	<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>

14.	<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 the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
15.	<p>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, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>Proposals for a 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 street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
17.	<p>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</p>

	<p>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.</p> <p>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.</p>
18.	<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>
19.	<p>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</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
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Paul O'Brien
Planning Inspector

10th March 2020