



An
Bord
Pleanála

Inspector's Report ABP-306198-19

Development	Demolition of an agricultural shed, construction of 54 houses and 2 apartments, 113 car parking spaces and all associated site works.
Location	Burgage More, Blessington, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/693
Applicant(s)	TD Housing Limited.
Type of Application	Permission
Planning Authority Decision	Grant Permission subject to Conditions.
Type of Appeal	Third Party - Two
Appellant(s)	Fergus Duffy & Sarah Duffy Jim Schofield
Observer(s)	Séamus Walsh & Helen Murphy Gary Finlay

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 contains a stated area of 1.867 hectares and is located to the south of Blessington town centre, Co. Wicklow. The site is almost rectangular in shape, missing a section to the south where two detached houses are located, on a south west to north east axis. The site is bound by local roads to the north east (L-8370) and south east (L-8858). I note that both of these roads are referred to as the Burgage More Road. The road to the north east connects to the N81 to the north east and the town centre. The site is generally flat and is under grass with boundaries consisting of a mix of hedgerows, trees and fencing. A line of mature trees crosses the site.
- 1.2. To the south west is a residential development along a cul-de-sac and to the north west is the Burgage More residential development. There is a graveyard located north east of the local road forming the north east boundary of the site. The is located on the edge of the built-up area of Blessington and whilst lands to the west are north are generally built up with a mix of residential and employment uses, the lands to the south/ east are mostly in agricultural use. The River Liffey/ Poulaphouca Reservoir is approximately 500 m to the southeast of the subject site.
- 1.3. I note from the submitted application and the Planning Report prepared by Thornton O'Connor Town Planning that a sewer crosses the site from east to west towards the northern side of the site and a 5 m wayleave is required either side of this sewer line.
- 1.4. Blessington is approximately 22 miles to the south west of Dublin City Centre. Blessington is served by Dublin Bus route 65, which is hourly during peak times and every two hours, off peak and Bus Éireann route 132.

2.0 Proposed Development

- 2.1. The proposed residential development consists of the following:
 - The demolition of an existing agricultural building with a stated floor area of 14 sq m.
 - The construction of 54 houses as follows:
 - 2 no. four bedroom, two-storey houses. These are labelled as Type A.

- 49 no. three bedroom, two-storey houses. The Type B and C are semi-detached houses. The Type C1 are mid terrace and the type C2 are end of terrace units.
- 3 no. two bedroom, single storey houses. These are located to the north of the site with two to the north and one to the south of the road/ pedestrian access to the development.
- 2 no. two bedroom apartments
- 113 car parking spaces, internal road layout and access to public road.
- Total of 2,995 sq m of public open space – 16% of site area.
- All associated site works and services.
- Provision of an electricity substation.

Following the receipt of significant further information, the following revisions were made to the proposed development:

- The number of units remains at 56. New house type A1 of which there are four and these are four bedroom, two-storey, semi-detached houses. Four less of the type B, three-bedroom houses.
- No significant changes to the layout. Public open space remains at 2,995 sq m.

Clarification of further information was sought in relation to the floor plans for house Type A1, these details were submitted by the applicant. The proposed density is 30 units per hectare (56/1.867)

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions which are generally standard. Condition no. 11 required the preparation and submission of a Stage 3 Road Safety Audit for the two local roads, Condition no. 16 required the implementation of the Arboricultural Assessment Report (partially repeated under Condition no. 21), Condition no. 17 specified boundary treatments and Condition no.

21 required the implementation of the mitigation measures identified in the Bat Report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report reflects the decision to grant permission subject to conditions. Further information was sought in relation to a number of issues which included in summary; need for a Planning and Design Statement which demonstrates that the housing proposed is suitable for Blessington, analysis of impact on existing residential units, engineering report for roads and footpaths, requirement for a bat survey and suitable mitigation measures, contact Irish Water regarding need for water network upgrades and a report on the proposed surface water drainage serving the development. These issues were addressed by way of a further information response received by the Planning Authority on the 8th of October 2019, however clarification of further information was requested in relation to the proposed floor plans of house Type A1 and the applicant duly responded to this.

3.2.2. Other Technical Reports

Municipal District Engineer: Refusal recommended pending measures being put in place to complete the Blessington inner relief road.

Roads Department: Further information requested in relation to the proposed junction, road layout, signing/ lining details and road construction details. Also require a Stage 2 Road Safety Audit and a Transport Statement as to the impact on the existing road network.

Following the receipt of further information, report noted that the submitted details were accepted subject to conditions.

Housing Directorate: No objection subject to conditions.

Chief Fire Officer: No objection subject to conditions.

Environment Department: The Planning Authority Case Officer refers to a verbal report and that further information was requested in relation to surface water drainage.

3.2.3. Prescribed Bodies Reports

Irish Water: Unsolicited further information submitted by the applicant includes details from Irish Water stating that the Blessington Waste Water Treatment Plant expansion will be completed by the end of 2020.

Dublin City Council: No objection.

Department of Culture, Heritage and the Gaeltacht: Require that predevelopment archaeological assessment be undertaken and a report prepared. Request also that a bat survey be undertaken and monitoring as outlined in the submitted Arboricultural Assessment (Section 5.4.0).

3.2.4. Objections/ Observations

A significant number of objections to the proposed development were received, including a petition with 58 signatures. In summary the comments included the following:

- The existing road network is not suitable for the proposed development. Road widths, dangerous junctions and pedestrian facilities were raised as issues.
- The additional houses would give rise to increased traffic congestion in the area.
- Concern that emergency vehicles may find it difficult to access properties. In addition there are working farms in the area using the road and if cars were parked along the road, there would be traffic safety issues.
- There are no visitor parking spaces provided.
- The N81 is not suitable for the volume of traffic it currently handles.
- Overlooking of existing houses leading to a loss of privacy. Recommended that the height of certain proposed houses be reduced to address this issue.
- Loss of mature trees, total of 46 out of 58 to be felled. In addition, hedgerows are to be removed. These proposals go against the climate adaption strategy of Wicklow County Council.

- Concern about the five houses directly accessing the Burgage More Road to the east of the site. Suggested that these be revised to be accessed from the centre of the site.
- Impact on The Greenway – loss of trees is noted as ironic in this regard and would impact on the development of tourism in the area.
- The proposed development in conjunction with others proposed would bring the water treatment plant close to capacity.
- Lack of cycling facilities within the development.
- Insufficient overlooking of the proposed open space areas.
- Proposed boundary consisting of a wooden fence is not suitable and concern about the long-term maintenance of this. A block wall was suggested instead.
- Aware that there is a housing shortage in the Blessington area but there are more suitable sites around.
- Impact on the area during the construction stage.

Additional comments were made in relation to the submitted clarification of further information. These referred to traffic issues on the N81, the junction at the graveyard, proposed tree and hedgerow removal and issue of overlooking.

4.0 Planning History

There are no recent, valid applications on this site. The Planning Authority Case Officer has provided an extensive planning history of surrounding sites and I am satisfied that these do not impact on the subject appeal.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Blessington is designated a Level 4 (Moderate Growth Town) in the County Wicklow Development Hierarchy contained within the Wicklow County Development Plan 2016 - 2022. Located within the hinterland area, it serves the rural hinterland as a market town.

5.1.2. The Settlement Strategy allows for a targeted population increase from 4,780 in 2011 to 7,500 in 2028. It is proposed that the N81 will be realigned to the west of the town. A Greenway walk between the town and Russborough House is identified as having tourism potential.

5.2. Blessington Local Area Plan 2013 – 2019

5.2.1. The site is zoned 'Proposed Residential' in the Local Area Plan – 'R1' and which seeks 'To protect, provide and improve residential amenities'. An Indicative Road Line is shown on the road to the north of the site, connecting the existing N81 to lands to the east.

5.2.2. No issues of flooding are indicated in the Flood Risk Assessment included with the Local Area Plan.

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 (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (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.

5.3.3. Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHPLG, 2018).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

5.3.4. The following are also relevant:

- **Design Manual for Urban Roads and Streets (DMURS).**
- **Urban Development and Building Heights - Guidelines for Planning Authorities (DoHPLG, 2018)**
- **Permeability Best Practice Guide (NTA, 2015).**

5.4. Natural Heritage Designations

The subject site is not located within any Natural Heritage designated lands. The Poulaphouca Reservoir (Site Code 004063) which is a SPA, is located approximately 500 m to the southeast of the site, at its nearest point. This reservoir has been created by damming the River Liffey to the east of Blessington. In addition, Red Bog, Kildare SAC (Site Code 000397) is 3.6 km to the north and the Wicklow Mountains SAC (Site Code 002122) are approximately 3.5 km to the south east. The Wicklow Mountains SPA (Site Code 00404) are 5.7 km to the south west.

5.5. EIA Screening

Having regard to the nature of the proposed development comprising a residential development of 56 units in the form of 54 houses and 2 no. apartments including all necessary site works, in an established zoned, 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

J. Schofield raised the following issues:

- There is a difference in height of 3.952 m between the appellants house (height of 5.5 m) and the proposed houses no. 14 to 26 (height circa 9.452 m).
- This will give rise to overlooking of private amenity areas and the front/ back of their house.
- Recommend that these houses be reduced to a maximum of 7.5 m in height.

F. & S. Duffy raised the following issues:

- A separation distance of only 2 m will be provided between the proposed houses and the appellants' house.
- A total of six houses will be located adjacent to their house and this will impact negatively on their residential amenity in terms of noise/ nuisance and potential encroachment.

6.2. Applicant Response

The applicant has engaged the services of Thornton O'Connor Town Planning to prepare a response to the third-party appeals.

The following points are made:

- Note the Planning Authority Case Officer's report. Density, layout, design and open space/ landscaping provision were all acceptable.
- Revisions to the development and further information details are noted.
- The proposed height of houses no. 14 to 26 are considered to be appropriate in this location.

- Overlooking leading to a loss of privacy is not foreseen in the case of Mr Schofield's concerns. A separation of 24.6 m is provided between the proposed houses and Mr Schofield's.
- The Duffy residence is 2.6 m from the boundary and 14.8 m from the nearest proposed house. Trees on this boundary are proposed to be retained.
- The suggested limitation of use of the private amenity of the proposed houses is not appropriate and is unreasonable.
- The provision of high quality public open space to serve this development will have a positive contribution to the area.

The proposed development is compliant with national and local guidance, will provide for a high-quality development and will go towards the addressing of the shortfall of housing in the area.

6.3. Planning Authority Response

None.

6.4. Observations

Observations were received from S. Walsh & H. Murphy and G. Finlay.

The following points were made in summary:

- Insufficient mitigation measures have been provided to address issues of overlooking.
- Some of the existing single-storey houses operate using existing septic tank systems.
- The alterations to the footpath and traffic signage are not acceptable/ in accordance with Wicklow County Council design standards.
- Potential traffic hazard.

7.0 Assessment

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

- Principle of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic and Access
- Other Issues
- Appropriate Assessment Screening

7.2. Principle of Development

- 7.2.1. It is considered that the subject site is suitable for the development of housing having regard to the 'R1' zoning and existing character of the area. The site does not have any specific site requirements and can be assessed on its own merits whilst having full regard to the character of the area. Primary access to the site is from the road to the north and an additional five houses are to be accessed from the road to the south east.
- 7.2.2. National Policy for such a residential development would normally require a density at 35 units per hectare, the proposed density is 30 units per hectare. This could be achieved in the form of additional apartment units and/ or terraced houses; however, significant numbers of apartments would be out of character with the area and additional terraced houses may result in a shortfall in private/ public open space and/ or car parking provision. Omitting the wayleave from the calculations would provide for a density of approximately 32 units per hectare and may allow for additional residential development on the adjoining land now proposed as open space. The existence of this wayleave in effect sterilises additional land from use for residential purposes.
- 7.2.3. Whilst Blessington is served by both Dublin Bus and Bus Éireann, the current public transport provision is not of a suitable frequency/ capacity for the provision of high-density development. However, the site is within walking distance of Blessington

Town Centre where a range of commercial, social and retail services are available. Taking all these factors into account, I therefore consider the scale and nature of development to be acceptable in this location.

7.3. Design and Impact on the Character of the Area

- 7.3.1. The subject site has the benefit of access to two roads, however that to the south east is somewhat restricted and it is appropriate that access be from the northern road. The development of this site is somewhat restricted by the presence of a sewer that crosses the northern side of the site and which requires a wayleave, thereby limiting the development of this section of the site.
- 7.3.2. A central road serving terminating in a T shape cul-de-sac arrangement with a short cul-de-sac branching from the eastern side of the access road provides the road layout. A very short cul-de-sac towards the centre of the site provides access to four semi-detached houses and an apartment block of two units. Open space is provided to the south and north of the site.
- 7.3.3. The proposal includes three detached, two-bedroom cottages to the south of the northern public road; two of which flank the access road. On the eastern road, the applicant has provided five houses with direct access to the public road; these are in the form of two-storey, detached/ semi-detached houses.
- 7.3.4. The proposed layout is considered to be generally acceptable having regard to the character of the area. The provision of the detached cottages along the north of the site will allow for a transition between the existing urban area and the more rural character along the eastern end of this road in the vicinity of the graveyard. The requirement for the wayleave results in an area of land that cannot be developed other than for open space purposes and the cottages will integrate with this area in an acceptable manner. Similarly, the houses directly accessing the easterly public road are acceptable. The northern most of these units, no. 50, is sufficiently set back from the junction to the northern as to not interfere with available sightlines.
- 7.3.5. The proposed house designs are considered to be acceptable and will integrate with the existing form of housing in the area whilst ensuring that they present their own distinctive character to this part of Blessington. A mix of brick and render is proposed, which is acceptable, but it would be preferable if there was a greater variety in the use of brick for example some units brick only at ground floor level.

The C2 type houses are considered to be a good design solution to the end of terraces/ where open space/ streets require passive surveillance and demonstrate a well-considered layout design.

7.4. Impact on Residential Amenity

7.4.1. Concern was raised in the appeals about the impact of the development on existing residential amenity with particular reference to overlooking/ nuisance. The proposed houses all have rear garden depths in excess of 11 m and generally in excess of 12 m.

7.4.2. House nos. 14 to 26 were identified as of concern. These all have rear gardens in excess of 12.3 m and separation distances of at least 24 m to the houses to the south. This is considered to be acceptable and exceeds the normal expected separation distances for an urban development. I note also similar concerns in relation to house nos. 4 to 8 to the north west of the site. Once again, these units have rear gardens in excess of 12 m and in this case, there is no direct overlooking of a first-floor rear window and the proposed separation is therefore acceptable. The retention of trees was presented as a mitigation measure; however, the long-term presence of trees cannot be guaranteed though their current presence is noted as of benefit to all.

7.4.3. I also note the concerns raised regarding potential noise/ nuisance from the proposed houses. It has to be said that these lands have been zoned for residential use for some time and that the provision of housing with associated private/ public open space must have been expected at some stage. The provision of private amenity in the form of rear gardens is not unusual and the applicant has met the requirement for private amenity in a high quality form, through the provision of gardens in excess of 12 m depth and with an area generally in excess of 74 sq m for a three-bedroom unit. It would not be reasonable to limit the use of such private amenity space for future residents and the amenity use of these gardens extends to the provision of sheds or similar structures in the future.

7.5. Traffic and Access

7.5.1. I note the original report of the Municipal District Engineer recommending refusal on the basis that the N81 upgrade has not been carried out. No specific safety reasons with reference to this site have been identified as of concern and the Planning

Authority Case Officer references discussions with the Roads Department and from which no further issues were raised. A Road Safety Audit – State 3, is to be undertaken by way of condition and this is not unusual for a development of this nature.

- 7.5.2. From the submitted plans and details, the road and pedestrian provision appear to be acceptable. A 2 m wide footpath is proposed along the front of the site and this will significantly improve pedestrian safety in the area. The additional five houses on the south eastern road are unlikely to generate significant additional volumes of vehicular traffic that would give rise to congestion or concern.
- 7.5.3. The graveyard to the north east of the site and farmyards in the area were identified as generators of traffic. These concerns are noted, however any potential measures that can address these issues fall outside of the control of the applicant and are a general traffic management issue.
- 7.5.4. Adequate car parking provision is indicated on the site layout plan. Car parking is generally in curtilage. No specific visitor parking is indicated on the site plan, however this is unlikely to be an issue of concern when every house has two parking spaces.
- 7.5.5. No specific bicycle provision is indicated; however, this is a relatively modest residential development and traffic speeds should be suitably low to enable safe cycling in the area. I do not foresee any suitable opportunities for future connections to adjoining lands in order to encourage permeability as the adjoining lands are developed.

7.6. Other Issues

- 7.6.1. I note the loss of 46 trees on this site. There are no category A trees (as identified by Arborist Associates) and any loss of trees will be mitigated by the proposed landscaping of this site. There are currently no Tree Protection Orders listed on this site.
- 7.6.2. I note the findings of the Bat Report prepared by JBA Consulting and the potential impact on four bat species found in the area. The retention of trees and hedgerows and the proposed site landscaping will reduce the impact of tree loss on site. In addition it is proposed that bat boxes be provided on site and again this is welcomed as an appropriate measure.

- 7.6.3. Archaeological monitoring was recommended by the Department of Culture, Heritage and the Gaeltacht and this is noted.

Concern was expressed that the development would have a negative impact on tourism in the area, I do not foresee this and the proposal to provide a 2 m wide footpath along the roadside will allow for safe walking routes in the area.

7.7. Appropriate Assessment Screening

- 7.7.1. A screening report was submitted with the application, prepared by JBA Consulting. The AA Screening report concluded that significant effects are not likely to arise, either alone or in combination with other plans or projects to any SAC or SPA. Three designated sites were identified at Poulaphouca Reservoir SPA (Site Code 004063), Red Bog, Kildare SAC (Site Code 000397) and Wicklow Mountains SAC (Site Code 002122).
- 7.7.2. The proposed development is located within an urban area on zoned lands that are serviced area. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites. A Stage 2 Appropriate Assessment is, therefore, not required.

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 Wicklow County Development Plan 2016 – 2022 and the Blessington Local Area Plan 2013 - 2019 and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of Blessington town centre and to the nature, form, scale, density 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 28th of June 2019, as amended by the further plans and particulars submitted on the 8th of October 2019 and further modified by clarification of further information received on the 1st of November 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>This permission is for 56 no. residential units in the form of 54 no. houses and 2 no. apartments.</p> <p>Reason: In the interest of clarity.</p>
3.	<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. The terrace/ balcony railings shall be painted/ coated metal and shall not be unpainted galvanised metal railings.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the junction</p>

	<p>with the public road to the east of the north of the site, shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>b) A Stage 3 Road Safety Audit in relation to all road works including the junction with the public road, shall be prepared and submitted for the written agreement of the Planning Authority prior to the commencement of development. Any necessary revisions and/ or additions shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<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>
6.	<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 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>
7.	<p>Proposals for a development name, unit 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 apartment unit numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p>

	<p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
8.	<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>
9.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
10.	<p>All rear gardens shall be bounded by block walls, 1.8 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>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 and shall be in accordance with the Arboricultural Assessment Report in relation to tree/ hedgerow retention, protection and monitoring. 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>
12.	<p>a) All mitigation measures relating to Biodiversity and in particular the Protection of Bats, outlined in the Bat Report and Planning documents submitted shall be implemented in full.</p> <p>b) Prior to the commencement of development, the developer shall submit to the Planning Authority a letter from their bat consultants, that they are</p>

	<p>satisfied that the final design of the external illumination proposed for the development, will be to the required specification recommended by the bat specialist and that they are satisfied that proposed roosts and important bat corridors are not illuminated; the developer will also submit a report from the bat specialist to the Planning Authority after the installation of the external lighting, at the proposed development, confirming that it is operating according to specification.</p> <p>Reason: To address any potential impacts on Biodiversity and to mitigate the potential impact of increased nocturnal illumination at the proposed development on bats, which are afforded a regime of special protection under the European Habitats Directive.</p>
13.	<p>Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st – August 31st).</p> <p>Reason: To protect birds and bird breeding habitats during the nesting season.</p>
14.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) shall carry out licenced metal detection surveys (including the field boundaries to be removed), develop an archaeological and artefact strategy on the basis of the results and in consultation with the Department of Culture, Heritage and the Gaeltacht and the National Museum of Ireland, agree protective measures in advance of site preparation and construction</p>

	<p>works to ensure the preservation/ protection of archaeological features (burnt mound material) and archaeological monitoring of topsoil stripping (licenced under the National Monuments Acts 1930 to present).</p> <p>(d) A detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard.</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 site and to secure the preservation and protection of any remains that may exist within the site.</p>
15.	<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>
16.	<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>

17.	<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>
18.	<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>
19.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>

20.	<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>
21.	<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 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>
22.	<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 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>
23.	<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

30th March 2020