



An
Bord
Pleanála

Inspector's Report ABP-306656-20

Development	Construction of 44 No. dwelling houses and associated site works.
Location	Spafield, Cashel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	19600605
Applicant(s)	Stillwater Investments Ltd.
Type of Application	Permission
Planning Authority Decision	Refused Permission
Type of Appeal	First Party
Appellant(s)	Stillwater Investments Ltd
Observer(s)	Michael Kealy
Date of Site Inspection	22 nd of May 2020
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located in a built up part of Cashel to the south of the town centre. The location is within a fifteen-minute walk of the town centre along Old Road. The location is mainly a residential area.
- 1.2. There is a primary school to the north east of the site, and a family resource centre to the immediate north of the site. Further north is Spafield Crescent residential estate.
- 1.3. There is a residential development on the opposite side of the road to the subject site, *Summer Cove Meadows*. The predominant dwellings in the adjoining estate are semi-detached two storey dwellings. Immediately south is Cashel Rugby Club. There is a hard surfaced area to the south creating a buffer area from the rugby playing pitch and the southern site boundary.
- 1.4. The site is 1.47Ha, with a square configuration. There is no footpath fronting the site along the roadside boundary. The site is currently grassland, with an open front boundary. The southern site boundary is metal fencing onto the rugby club. The two remaining boundaries, west and north are both mature hedges.
- 1.5. The site gently slopes from north to south, but overall it is relatively flat topography.
- 1.6. There are a full range of amenities and services within walking distance of the site.

2.0 Proposed Development

- 2.1. The development proposal applied for is 44No. dwellings and associated site works. This consists of :
 - 6No. 4 bedroomed end of terraced units;
 - 38No. 3 bedroomed semidetached and terraced units,
 - Relocated vehicular access, landscaping, drainage, car parking, play areas

3.0 Planning Authority Decision

3.1. Decision

Tipperary County Council refused the proposed development for three reasons:

1. Policy HSG (New Residential development) in the Cashel and Environs Development Plan 2009, because it has an inadequate quantum of public open space, absence of housing mix, and deficiencies in the road network and footpath, would constitute a substandard form of development and be contrary to the Cashel and Environs Development Plan 2009.
2. The proposal would endanger public safety by reason of a traffic hazard and be an obstruction to road users due to provide consistent road widths, minimum footpath widths appropriate footpath connectivity and cycle lanes.
3. There is a land drain required to the rear and within the curtilage of Units 32-36, and this land drain is show to form part of the public storm water network.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The proposal is on lands zoned Phase 2 Residential under the Cashel Development Plan 2009. Phase 2 lands should include a Development Impact Statement.
- Density should be 10 per hectare instead it is 30 units per hectare.

3.2.2. **Other Technical Reports**

Roads :- No objections

Town Council : Road Safety Audit Required

Drainage: Connect to public water

3.3. Prescribed Bodies

Department of Culture, Heritage and the Gaeltachta

A condition must be attached to ensure archaeological monitoring.

3.4. Third Party Observations

Objections received can be summarised as follows:

- There is a problem with raw sewage backing up onto properties in the area. 44No. additional houses will make this worse.
- Traffic volumes
- The density and house type is totally out of character with the area.
- Green area is inadequate to cater for the residents
- No capacity in local schools
- No development impact statement
- Poor quality design and streetscape
- Does not comply with sequential test of development plan.

4.0 Planning History

Planning Reference 06/1788

Permission granted for 35 Two storey dwellings as opposed to 34 No. dwellings granted under planning reference 05/1394.

Planning Reference 05/1394

Planning permission 44 No. dwellings with a wastewater pumping station, and stormwater disposal system and associated site works.

5.0 Policy Context

5.1. Development Plan

Cashel and Environs Development Plan 2009-2015

Map 1 subject site zoned as **New Residential**

R1 - To provide for New Residential development. Density on such sites will be determined by the nature of the site and proximity to the town centre.

Policy HSG 1: New Residential Development

It is the policy of the Council to facilitate housing development on all residentially zoned lands as identified on Map 1 and Map 2 subject to such development being in accordance with the development management standards, design statements and other guidelines of the Cashel and Environs Development Plan 2009 –2015.

3.3 New Residential Development

It is a central focus of this Development Plan to provide for high quality new residential development. The Council will aim to address the imbalance in housing type provision and focus on the provision of a greater mix of housing types

The Council will assess housing proposals in accordance with the Sustainable Residential Development in Urban Areas –Guidelines for Planning Authorities, DEHLG 2008, Sustainable Urban Housing – Design Standards for Apartments, Guidelines for Planning Authorities, DEHLG, 2007 and the criteria set out in Chapter 9 Development Management of the Cashel and Environs Development Plan 2009 – 2015.

Proposals for new residential development will be assessed on their merits; however, the following minimum requirements shall be provided for new residential development on lands zoned for residential use:

(1) The Council will require a **sequential approach** to the development of land, with densities highest on land close to the Town Core Area and density decreasing on lands extending outwards from the Town Centre.

(2) Density Guidelines are set out in Chapter 9: Development Management Standards, in assessing the application of appropriate densities on individual sites the Council will apply the following principles:

Central Sites: Sites located in the area zoned for town centre use.

Edge of Centre Sites: Any site zoned for existing/new residential development

that adjoins the area zoned for town centre.

Edge of Town: Any site zoned for new residential/existing residential use that does not adjoin the area zoned for town centre

(3) Compliance with Chapter 9 Development Management Standards for all development.

(4) Provision of a Development Impact Assessment (DIA) for multi unit proposals of 4 units or greater.

(5) Provision of a phasing plan for the overall development which shall ensure that the main infrastructural services, amenity areas and community facilities are developed as part of Phase 1.

5.2 National Planning Policy

The following are relevant to this appeal:

The National Planning Framework includes a specific Chapter, No. 6 - '*People Homes and Communities*' which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:

- National Policy Objective 27 seeks to '*Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages*'.
- National Policy Objective 33 seeks to '*Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location*'.
- National Policy Objective 35 seeks to '*Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.

Design Manual for Urban Roads and Streets (DMURS).

Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the *Urban Design Manual - A Best Practice Guide* (DoEHLG, 2009).

Quality Housing for Sustainable Communities (DoEHLG, 2007).

Permeability Best Practice Guide (NTA, 2015).

5.2. **Natural Heritage Designations**

The subject site is not located within any Natural Heritage designated lands.

The Lower River Suir SAC is located 5km west of Cashel town.

5.3. **EIA Screening**

Having regard to the nature of the proposed development comprising a residential development of 44 units 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**

The First Party's grounds of appeal can be summarised as follows:

- The site is a greenfield site within the town and environs boundary of Cashel. It is within walking distance to a school and local services. The density is reflective of national policy documents. The planning authority has refused it on the basis of out of date and unsustainable planning requirements.
- The principle of the development is not in question. The reasons for refusal could have been addressed by way of further information.
- **Policy Context – National** recognises the importance of making the regeneration of development using existing built up areas.

- **Policy Context – Local there** has been no assessment of the proposal in terms of the settlement hierarchy, policies relating to the function of the town and growth aspirations for Cashel. The only items assessed by the PA were footpaths and roads.

The prescribed density for this location in the development plan is 10 dwellings per hectare. The site is only 1.2km from the town centre. The first density presented at a pre planning was 34 units /ha, and the applicant was advised to reduce the density. The scheme was lodged with a density of 30 units per hectare and the PA requested a further reduction to 24 Units per Ha. The applicant has tried to present something agreeable to the PA at all times. Then after a year the development got refused planning permission.

The subject site is residentially zoned land and a Development Impact Statement was submitted by the applicant. There has been little or no residential development permitted in Cashel over past 5 years. At least 30 No. single dwellings have been granted, all are detached, none are one and two bedroom units, and all are reliant on the private car for transport.

- **Roads and Footpaths** -The application includes a detailed design statement about the layout and the architecture of the proposed scheme. The site is an edge of town centre which commands a higher density. The open space amenity provision of 15% has been achieved. The key principles of DMURS are integrated into the design. The proposed road layout provides for road cyclist and pedestrian connectivity, with a clear system of roads and paving easy to navigate. The vertical alignment acts as a traffic calming measure. The design of the access has been chosen to ensure visibility. There are no long stretches of road proposed. Footpaths and cycle lane has been pushed northwards outwards from a public road of 6.5metres roughly in line with existing ditch. Some houses have been moved forward to increase amenity area. Internal roads are 6metres and cycle lanes are widens to 1.5metres, with 2metres footpaths. The radii has been kept to a minimum of 4.5metres each side of the junction.

- **Land Drain to Rear of Site -**

The finished floor levels at the south east of the site have been set at 115.5m, this is the lowest on the site, and it will not be positioned above the level of the road. In the case of any overland waterflow in case of any water flow can gather during extreme weather events. The new drainage network within the development will eliminate any overland water flow within the site boundary. The land drain proposed is only to serve as a backup in case of any overland water flow from the adjacent lands. Silt traps will be provided in the sumps at either end of the land drain to remove any silt or contaminants from entering the site drainage network. The basis of the including the land drain is not because of the proposed development but to protect the development from overland flow from adjoining sites.

- **Conclusion**

The design team struggle to fathom the reasons for refusal for the addition of 36No. dwellings that should be seen as a positive development. The reason for refusal is against the DMURS Guidelines. The Board is asked to overturn the decision and grant the development which is in line with local and national policy.

6.2. **Planning Authority Response**

The Planning authority did respond to the grounds of appeal in detail.

Reason No. 1

The applicant was advised at further information stage that the fragmented open spaces (areas south of No. 31, west of No. 32 between units 21 and 22, and 18 and 19) are not acceptable as open spaces, and the applicant included them for the same layout and calculations submitted on 20/12/2019 in response to the clarification. The quantum of open space proposed is much less than the minimum of 15% required under Table 9.3 Minimum Standards for Multiple Residential. It is noted the site layout plan submitted on appeal is based on the original development proposals of 44No. units and not that referred to in the appeal submission.

The scheme offers a one-dimensional type of development which will only cater for families and does not create a sustainable development to cater for a broad range of households across the community. The applicants were advised to provide one- and

two-bedroom units as there is a demand for such houses in Cashel. They did not comply with this requested revision.

Reason No. 2

The submitted site layout on appeal provides for 44No. dwellings which was altered at further information stage to 36No. dwellings. The measurements on the drawings do not correlate with the scale on the drawings. There are inconsistent road widths with the road serving 1-3 and 4-14 being only 5.5mtre. The layout of the footpaths does not provide appropriate pedestrian walkways to serve future occupants. Some dwellings have footpaths below the required width of 1.2metres. The resident of No. 31 will have to walk on the vehicular road to go from the estate to their front door. The revised drawings do not provide for a revised number of 36No. dwellings and the road widths are not 6metres.

Reason No. 3

The applicant was advised that the land drain along the southern boundary of the site was not acceptable given the potential for contaminants entering the storm water network as a result of flooding events and maintenance requirements of the local authority.

The proposed development is considered to be contrary to Policy HSG 1 (new Residential Development) and Policy DM (Development Standards) and Table 9.3 Minimum Standards for Multiple Unit Residential which includes for standards for amenity, housing mix and road layouts etc of the Cashel and Environs Development Plan 2009.

6.3 Observations

The residents from Summercove Residents Association has submitted an observation asking the Board to uphold the decision to refuse as the current design cannot facilitate minimum design standards.

There are serious health and safety concerns in relation to old road Cashel and a report by ARUP Engineers in 2004 recommended that no further development take place until the road defects highlighted were rectified.

The applicant has failed to justify the sequential approach to phase 1 and 2 lands.

A full road safety audit is required.

The schools and the GP practices are at capacity

The design of footpaths and cycle lanes is flawed. There is inadequate open space.

The area has large detached and semidetached dwellings

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
- Zoning and Compliance with Cashel Town and Environs Development Plan
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic, Access, Road Layout
- Land Drain
- Appropriate Assessment

7.2 Principle of the Proposed Development

The site is located to the southern edge of the existing urban area of Cashel and is within walking distance of the town centre. In the County Tipperary Settlement Hierarchy, Cashel is listed as a service centre with Clonmel been the main County town.

In general, it is considered that residential development is acceptable in this location and having regard to the adjoining lands to the north, west and east which are in residential/ community use, the proposal will integrate with the existing form of development in the area. In addition, the site had the benefit of planning permission for 44No. dwellings back in 2005 which was not developed.

7.3 Zoning and Compliance with Cashel Town and Environs Development

The subject site is zoned R1 : **New Residential Phase 2** in the Cashel Town and Environs Development Plan 2009-2015. Although this is the current plan for the area, it is somewhat outdated, and this is reflected in the PA's decision to refuse planning permission for the development. The objective of the development plan is to provide high quality living accommodation.

Section 3.3 of the Plan relating to New Residential Developments states the PA will aim to address the imbalance in housing type provision and focus on a greater mix of housing. The subject site is 1.47Ha site and the proposed development offers a range of building types which include, semi-detached units, 3 bed terraces and 4 bed end of terraces. The proposed density is 30 dwellings per hectare which is representative of the existing surrounding density.

I note national guidance in relation to unit numbers, appropriate density and housing. The *Sustainable Residential Development in Urban Areas* indicates that Greenfield/ Outer Suburban sites for larger towns, should be providing for densities of 35 to 50 units per hectare. Currently Cashel is not well served by public transport; however this site is within walking distance of services and the development of this site would increase the consolidation of the urban area. Like a lot of Irish towns, development in Cashel has been linear along the main road network; the subject site lies off a main road and its development would aid the process of consolidation of Cashel, alongside existing residential estates and sports facilities and schools.

I do accept that the density at 30 units per hectare is below the recommended 35 units, however, I consider the layout will integrate seamlessly into the existing built up area.

7.4 Design and Impact on the Character of the Area

I note the planning application was accompanied by a Design Statement and a detailed Development Impact Assessment. The information presented with the application is informative and excellent in content and is commendable for proposal of such a small scale. I also note the applicant carried out a community consultation process where the community stakeholders were given an opportunity to partake in the design phase of the scheme.

In the original development plan the subject site was zoned New Residential, in a variation of the Plan the site was zoned Phase 2 Residential. In order to develop Phase 2 lands, all the lands in Phase 1 must be developed or all phase 1 lands have to be fully committed to development or, in the cases where phase 1 lands have not been committed it has to be proven that the said lands are unavailable or unserviceable. It is unclear why the subject site is located within a Phase 2 area as it is an existing built up area, and the site, previously, had the benefit of planning permission for a residential estate under planning reference 05/1394 and 06/1788.

The PA by way of further information on 26th of July 2019 requested the proposed density to be reduced to circa 20 No. units per hectare, in line with the development plan requirement of 10 dwellings per hectare. At this stage the PA also requested a mix of dwellings to include one and two bedroom units. The applicant has stated that little or no housing developments have been granted planning permission in Cashel during the preceding five years, creating a very high demand for houses in the town. In my opinion, if the applicant were to provide one and two bedroom units as prescribed by the PA, this would increase the density on the site thereby contradicting the PA's initial concern.

The proposed dwellings are modest sized townhouses, with the majority of them being 3 bedroom terraced houses 90-96sq.m. The front elevations include a colourful mix of specifications and designs. The PA referred to the scheme as one dimensional catering only for families. I consider the dwellings, which are small three-bedroom units, are more starter homes than family homes. The proposed development will cater for first time buyers and smaller families. The planning authority had requested by way of further information a reduction in the density. In response the overall density was reduced from 44 No. units to 34 No. units, with a similar courtyard style around public open space areas. Ironically, I consider the revised scheme submitted in October 2019 as prescribed by the PA to be more one-dimensional, in that it mirrors house types on adjoining estates providing little variety in housing types to the wider community. The revised density received in October and favoured by the P.A. is only 24.5 units per hectare. In terms of sustainable planning to introduce a higher density close to amenities and facilities is in keeping

with *Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009*. I advise the Board to examine the scheme originally submitted to the PA on 4th of June 2019 and to which the applicant reverted back to on appeal to the Board.

The applicant has argued following researching grants of permissions for housing in Cashel over the past five years, that most dwellings permitted are large single dwellings. In addition, it is submitted the proposed development is the most diverse range of accommodation to be provided in Cashel in the past ten years. Having considered the list of planning histories for Cashel town and environs for the past five years that accompanied the appeal, I do consider the applicant has made a valid point and has submitted sufficient evidence to substantiated their claim.

I recommend the Board dismiss the first reason for refusal.

7.5 Impact on Residential Amenity

The proposed house types A & C are 96sq.m., and Type B & D are 90sq.m. three bed dwellings and a 126sq.m four-bedroom dwelling over three stories. In general, the house sizes and rooms meet with the residential standards.

The subject site is not surrounded by existing buildings, all of the proposed dwellings do not back onto or overlook existing residential properties or private garden areas. Houses No.s 17-28 have north facing rear gardens, the remainder have south facing and western facing rear gardens. The rear garden areas have a minimum of 11metres in depth along with 2No. carparking spaces to the front of each dwelling. There is central public open space area which is overlooked by most dwellings in the proposed estate. The public open space areas are fragmented into a playing pitch, a toddler playground and open space area. The amenity provision is at least 15% of the total site area. There are pedestrian and cycle linkages throughout the proposed layout. There are adequate separation distances between the gables of dwellings, 22metres between opposing windows at first floor level.

In terms of proposed boundary treatment, I welcome the introduction of a 1.6metre stone wall along the road frontage of the site, with cut stone piers at the proposed entrance. Dwellings No.1 -16 facing out towards the street, which will not directly

oppose dwellings in the existing Summercove Meadows on the opposite side of the road. The southern site boundary which is a metal fence along the rugby club boundary shall remain unaffected by the proposal. I consider the existing hedge along the northern and western site boundaries to be insufficient in terms of boundary treatment and a 2metre boundary wall should be provided along these site boundaries.

7.6 Traffic, Access, Road Layout

The proposed access is off Old Road, at a position where the sightlines are satisfactory. There were concerns expressed about the speed of traffic along Old Road especially during school times. The site is within a 30kmph speed zone, and traffic calming measures are a matter for the PA. During my inspection, I noted a low volume of traffic, however this was during Covid restrictions. A Traffic and Transport Impact Assessment was submitted to the PA on 31st of October 2019. The cumulative impact of the scheme on the surrounding road networks for future years was determined by the modelling scenarios on the existing traffic data collected. The network tested to 2036, and the analysis showed little impact from the proposed development on the surrounding road network.

The Road Safety Audit is noted and certain revisions are required to ensure implemented such as the provision of continuous footpaths within the proposed development to ensure the pedestrian desire lines are taken into account, this can be done by a Stage 3 Road Safety Audit. There are inconsistencies in the road widths as illustrated, and the width of the entrance radii onto L5416 (Old Road)

There is adequate carparking provision to cater for the proposal and traffic turning layouts for emergency and service vehicles. The proposed road layout provides for road, cyclist and pedestrian connectivity and it creates a clear system of roads which are easy to navigate. The access road is DMURS compliant. On appeal the applicant has submitted Drawings ABP-3 and ABP-4 which indicate the proposed footpaths and cycle lane have been pushed north to form a road width of 6.5metres, and the internal roads are 6metres, with cycle lanes 1.5metres. The pedestrian

footpaths are a minimum of 2.0metres wide linked by uncontrolled pedestrian crossings throughout the site.

I recommend the Board dismiss the second reason for refusal. This is a high-density development with adequate roads and footpaths which include a clearly distinctive 'Surfaces Finishes' throughout the scheme which will clearly demarcate the access road, turning areas, parking, cycle lanes and pedestrian links.

7.7 Land Drain

The third reason for refusal stated the proposed development included a land drain to the rear of and within the curtilage of Units 32-36 and 13, and that the land drain is shown to form part of the public surface water network. The proposal in its current form may result in undue loading on and contamination of the public stormwater network. It is submitted by the applicant the finished floor level on the site is lowest at the south east extremity of the site. Overland water will gather at this point during extreme weather conditions, as a precautionary measure the land drain is proposed to serve as a back up only in case of any overload water flow from the adjacent lands. Silt traps will be provided in the sumps at either end of the land drain to remove any silt or contaminants from entering the site drainage network. The silt traps will not be in private gardens and will be easily accessible for future maintenance. The basis for the inclusion of the land drain is because of overland flow from the adjoining site only and not related to the proposed development. It is not clear from the planning permission relating to the hard standing area on the neighbouring rugby club site, if the overland flow is managed within the boundaries of the site, hence the reason for its inclusion into the layout.

7.8 Appropriate Assessment (AA) Screening

The Lower River Suir SAC is located 5km west of Cashel town. 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 the Board overrule the planning authority's decision to refuse the proposed development and grant permission for it.

9.0 Reasons and Considerations

Having regard to the provisions of the Tipperary County Development Plan 2010 (as varied) and the Cashel and Environs Development Plan 2009 and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of Cashel 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 4th of June 2019 and as amended by the further plans and particulars submitted to the Board on 17th of February 2010 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>
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2.	<p>The permission is for 44No. dwelling houses in the form of 6 Four bedroomed end of terrace dwellings, 16 three bed end of terrace dwellings, 20 three bedroom mid terrace dwellings and 2 three bedroom semi-detached dwellings.</p> <p>Reason: In the interests of residential amenity.</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.</p> <p>Reason: In the interests of visual amenity</p>
4.	<p>a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, 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 to comply with the Stage 2 recommendations 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>(a) The internal pedestrian crossings shall be provided in accordance with the drawings submitted to the Board on appeal.</p> <p>(b) A pedestrian crossing shall be provided across Old Road in agreement with the planning authority in terms of location and design.</p> <p>Reason: In the interests of pedestrian linkages and safety</p>
8.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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 place names for new residential areas.</p>
9.	<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. Full details of all surface water disposal, surface water management and all necessary legal entitlements to carry out works to adequately service the proposed development shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

10.	<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>
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 shall 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>
12.	<p>Vegetation clearance and any necessary 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>
13.	<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,</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 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), and</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. 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>
14.	<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 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>
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>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</p>

	<p>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>
17.	<p>All necessary measures shall 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>
18.	<p>(a) 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>
19.	<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>
20.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of further electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</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 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 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 of the development.</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</p>

<p>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>

Caryn Coogan
Planning Inspector

16th of June 2020