



An
Bord
Pleanála

Inspector's Report

ABP-306666-20

Development	Demolish existing structure, construct a new building ranging in height from two to four storeys comprising 390sq.m. of commercial space and 45 residential units.
Location	Ballybeg Drive, Ballybeg, Kilbarry, Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	19589
Applicant(s)	Dalira Ltd
Type of Application	Permission.
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Brill Family Resource Centre
Observer(s)	None
Date of Site Inspection	22 nd of June 2020.
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The site is located in Ballybeg, suburb of Waterford City located to the west of the City Centre, just south off the main Cork Road. It is in close proximity to the Waterford Institute of Technology, and the large Retail Parks of Waterford.
- 1.2. Ballybeg is large residential suburb consisting mainly of two storey dwellings and large green areas. The subject site is located in a neighbourhood centre within Ballybeg, where there is a church, a shop, GAA playing fields and a community centre.
- 1.3. The subject site is 0.3671Ha fronting onto to Ballybeg Drive. There is a derelict pub on the site, formerly, 'Ryan's Bar'. It is an unsightly structure which was fire damaged in the past and left abandoned.
- 1.4. The eastern site boundary is a rear access road to the delivery area of the local supermarket (Spar). There is a terrace of two storey dwellings further east beyond the access road.
- 1.5. The southern site boundary is Ballybeg Drive. The community centre (third party appellant) is located on the opposite side of the road to the subject site. It is a single storey complex of buildings within a palisade fence.
- 1.6. To the east is a green area, which fronts the church (St. Saviour's Church) and associated carpark. Immediately north of the subject site is a supermarket and a carparking area.
- 1.7. The site is level and derelict with no notable features. There are GAA pitches and a local soccer club further east of the site accessed from Ballybeg Drive. To the west of the site beyond the open space area is a national school.
- 1.8. The site is on the Derelict's Site list.

2.0 Proposed Development

2.1. The proposed development is to demolish the existing derelict structure on the site which was formerly 'Ryan's Bar' and to construct a new building ranging from two to four storeys in height. The proposed building will include:

390sq.m. of commercial space on the ground floor;

45No. residential units consisting of;

- 25No. two bedroom apartments
- 14No. one bedroom apartments
- 6No. studio apartments.

There are bin stores, carparking, bicycle storage, landscaped communal amenity space and a walled garden, photovoltaic panels on the roof, and ancillary site works.

2.2 The overall footprint of the building is 1287sq.m. giving a site coverage of 35%, and a plot ratio of 1.14. There is 359sq.m. community open space proposed.

3.0 Planning Authority Decision

3.1. Decision

Waterford City Council granted planning permission for the revised design submitted as further information on the 9th of December 2019 subject to 18No. conditions

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- Acceptable in terms of the development plan
- Design, Density, Site Coverage, Plot Ratio, all acceptable.
- A condition to be attached to have a uniform brick finish
- Letter of consent from Waterford City and County Council to carry out development on lands owned by them.
- Roads Department satisfied with proposals regarding footpath

- The subject site is a Derelict Site and can avail of 50% reduction in Development Contributions
- Bond Required.

Further Information Request (2nd of October 2019)

- Changes to the elevations area required to give more of a focal point, a simplified palette of external materials, and a reduction in the number of projections and recessed elements.
- Land ownership clarification
- No closure of public footpaths to the south
- Bicycle storage
- Ore-connection agreement with Irish Water
- Minimum standards must be met

3.2.2. Other Technical Reports

Irish Water: No objection subject to conditions

Roads Department: Further information required. Footpath proposals acceptable

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

Two community groups objected to the proposed development generally in line with the Brill Family Resource Centre, third party appeal. They are not opposed to the development of the site but consider the current proposal to be inappropriate.

- The proposed density should be halved.
- The four storeys are inappropriate for the location and will overlook neighbouring dwellings
- Traffic impact
- The site has community facilities opportunities

- The carparking and open space area to the rear will lead to anti social behaviour
- Inadequate parking
- Existing shop could become derelict if Spar shop is relocated to the new complex.

4.0 Planning History

The planning histories relating to the subject site relate to the former fire damaged public house on the site.

08500045

Planning Permission was granted to Eugene Ryan for a mixed-use development on the site within a three storey building, with 16No. apartments and 8No. commercial units on the ground floor. The decision was subject of an appeal which was later withdrawn. The permission expired.

5.0 Policy Context

5.1. Development Plan

Waterford City Development Plan 2013-2019

The subject site is zoned for 'to provide an improve **General Business**'.

5.2 National Planning Framework (Project Ireland 2040)

The key future growth enablers for Waterford include identifying infill and regeneration opportunities to intensify housing and employment throughout the city centre and inner suburban areas. To progress the sustainable development of new greenfield areas for housing and the development of supporting transport and infrastructure.

National Policy Objective 11

In meeting urban development requirements there will be a presumption in favour of development that can encourage more people and generate more jobs and activity

within existing cities, towns villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13

In urban areas, planning and related standards including particular building height and car parking will be based on performance criteria that seeks to achieve a well-designed high-quality outcome in order to achieve targets growth. In Waterford City and Suburbs case the targeted growth is from 54,000 pop in 2016 to 81,000 by 2040.

National Policy Objective 33

Target the delivery of 550,000 additional households up to 2040 in accordance with the policy objectives of Ireland 2040

National Policy Objective 37

Increase residential density 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.

5.3 Planning Guidelines

Sustainable Urban Housing : Design Standards for New Apartments – Guidelines for Planning Authorities 2018

Urban Development and Building Heights – Guidelines for Planning Authorities 2018

5.4 Natural Heritage Designations

The subject site is 729.49m south of John's River which is a tributary of the R. Suir.

The site is 3Km south of the Lower River Suir SAC

The site is 7.32Km north of Tramore Back Strand SPA.

5.5 EIA Screening

Having regard to the nature of the proposed development comprising of one dwelling, 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 third-party appeal strongly objects to apartments. The proposal replaces a burnt down pub with a large apartment block, and it is incongruous to the area and out of character with the current streetscape and scale.

- The overall design is incongruous to all of the existing housing in the area. The proposed make up of the development incorporating 45No. units, 25 x 2 bedroom, 14No one bedroom and 6 studio apartments is too dense for a small space. The proposal is very much high density.
- It is overbearing, out of scale and out of character in terms of appearance. The visual impact of the development is completely overbearing, and this is further compounded given its location only metres from the main road.
- Overdevelopment/ overcrowding of the site, particularly as this is out of character with other development in the area. Unacceptably high density.
- The proposed density of apartments planned (with a Further Stage 2 and 3 in the pipeline) would be massively detrimental effect on the character of the community.
- The need for dense use of the apartments needs further scrutinising and to be fully proven.
- The mass, height and design of these buildings will be overbearing and totally out of scale compared with surrounding properties all of which are family homes.
- The loss of a green grass area that is to be subsumed as part of the envisaged development, and thus moving development closer to the community thoroughfare. There was no community consultation. The

Waterford development plan has the lands zoned General Business and not residential.

- The proposal is alien to the settlement pattern in the area and ignores any attempt to integrate or properly contextually locate the property on the site in the greater community.
- There is a lack of any meaningful visual impact assessment and the failure to submit a design statement noting the rationale behind designs appropriateness is ill conceived and displays little understanding of the central location in the community the site holds.
- The development would have a serious effect on road users in the community and the service users of the Community Campus which is located on the opposite side of the road. Safe entry to this Campus with a single lane access facilitating both entrance and exit traffic simultaneously would accelerate the established situation to above serious.
- The proposed ground floor common garden and bike sheds on the north side of the development are of great concern. There is no clear line of sight to allow the community or the Garda to keep an eye on the safety of the residents.
- Greater clarity is required in terms of the ability of non-residents in being able to access common indoor and outdoor space, i.e. internal hallways, access and use of lifts, roof top gardens, the parking space etc. As the areas are out of sight from the main road, they pose a potential security problem for any undesirable behaviour happening.
- There is talks of the developer building two similar developments in the area, there it has the potential to open the floodgates for a further 135+ apartments in the middle of a community.
- Ballybeg has suffered over poor planning decisions, with hundreds of houses been built in the 1970s with poor infrastructure in pace. Improved road junctions need to be prioritised.

- Waterford City and County Council 2019-2025 is not available for public viewing. Responsible development must respect community-led plans for growth
- The proposed apartments have the potential to put the community back 10 years.
- Development of the site is supported; however, it must be an appropriate development and an architecturally sensitive solution.

6.1.2 Further Considerations

- The proposed parking needs to be stipulated and not open to modification.
- The application has 52No. spaces, in allowing for a space per unit, it would show a deficit of 11No. spaces
- A restriction on the future development of the area and its environs is requested.
- The entire development needs a rethink to be standard two storey dwellings or relocating the apartments (no greater than 3 storeys) to be closer to the church.
- The middle area could see the redevelopment of the shop.

6.2. Applicant Response

All the community groups listed in the appeal submission have the same address and work together within the community centre at Ballybeg. As such the supporting groups are part of one umbrella organisation led by manager Glen Lynch, despite being listed as separate groups supporting a single objection by BRILL FRC.

The current number of households in Ballybeg is 968. There was huge excitement about the removal of the derelict building from the local community when the proposal was first researched by the applicant. There is new housing required, and this is a new vibrancy to a site that has sat derelict from 10 years.

The community centre across the road from the subject site has grown over the past ten years and provides much needed community services behind large security

fencing, isolating the local community, when these services should be provide beside the local church and local retail space.

The subject site is 0.3671 Ha and is adjacent to a church, school and a shop which is setback and around an existing green area and carpark.

The current zoning for the site is General Business whereby residential and mixed use are Open for Consideration. The new retail units along the western elevation at ground floor level will continue the line of the existing retail shop, as the building turns the corner, residential units run along the south elevation toward existing two storey houses. All the ground floor units have their own door accessed from the ground floor unit. Upper level apartments are accessed from the rear via and stairs and lift. Each floor has a minimum of 3No. apartments and a maximum of 5No. apartments accessed via a central lobby. Access is from a gated carpark to the rear.

The building has been planned and designed to comply with Sustainable Urban Housing.

The applicants met with community group to try an allay their fears and offered them a place on the Board of Management. The potential of the scheme for community facilities such as a GP surgery were discussed. There was no suggestion of a Phase 2 or Phase 3 at any time.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

7.1. I consider the issues arising in this case can be assessed under the following headings:

- Zoning Provisions and Suitability of the site for the proposed development
- Design and Compliance with Standards
- Other Issues
- Appropriate Assessment

7.2 Zoning Provisions and Suitability of the Site for the Proposed Development

7.2.1 The subject site, is a fire damaged former public house and extended grounds, located in a western suburb of Waterford City. It is located alongside a church, a supermarket (Spar), a national school, Kilbarry Cemetery, St Saviour's GAA pitches, a community resource centre and suburban housing.

7.2.2 The zoning objective on the site under the provisions of the Waterford City Development Plan 2013-2019 is for to provide and improve **General Business**. There is a convenience retail store abutting the subject site to the north and a church serving a large residential catchment at Ballybeg. I consider the zoning objective to be reasonable given that former use of the subject site was a public house. Both residential and commercial developments are '*Permitted In Principle*' under this zoning. The commercial element is a sizable unit on the ground floor, 390sq.m..

7.2.3 I consider the site to be a derelict site within a large residential suburb which is dominated by two storey terraced housing with very little variety or housing mix. The site is adjacent to several community facilities and a convenience store. I consider the development of apartments with a commercial unit to be in keeping with the zoning of the area. The subject site is within walking distance of Waterford Institute of Technology.

7.2.4 I am of the opinion that given its immediate context, the delivery of residential development on this underutilised, serviced site, in a compact form comprising higher density units, would be consistent with the provisions of the current City Development Plan for additional housing in the Ballybeg area and with the policies

and intended outcomes of current Government policy, specifically the National Planning Framework, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b) and to enable Waterford City and suburbs to intensify housing and employment throughout the city centre and inner suburban areas, in line with **National Policy Objective 13** whereby planning and related standards including particular building height and car parking will be based on performance criteria that seeks to achieve a well-designed high quality outcome in order to achieve targets growth. In Waterford City and Suburbs case the NPF targeted growth is from 54,000 population in 2016 to 81,000 population by 2040. Furthermore **Objective 11**, seeks to develop urban lands to their full potential in favour of development that can encourage more people and generate more jobs and activities within existing cities.

7.2.4 Having regard to **National Policy Objective 33** which has a target the delivery of 550,000 additional households up to 2040 in accordance with the policy objectives of Ireland 2040 and **National Policy Objective 37** to increase residential density in settlements, through a range of measures including re-use of existing buildings, infill development schemes or site-based regeneration and increased building heights, I consider the high density proposed for the site and the four storey building to be in line with national policy..

In conclusion, I consider that the site, in principle, is suitable for high density residential purposes, and the overall principle of the development proposal is in line with local and national planning policy.

7.3 **Design and Compliance with Standards**

7.3.1 The overall design of the scheme was improved, following the request for further information by the PA which requested revisions to the elevations, specifications, storage and compliance with Design Guidelines for apartments. Therefore, the scheme to be assessed by the Board should not be the original scheme but the revised scheme presented in the further information submitted to the PA on the 9th of December 2019, which is an enhanced schme.

7.3.2 The main elevation is onto Ballybeg Drive (South), which consists of a single monolithic building broken up into 3No. four storey blocks linked by two and three storey blocks. Each block has a separate entrance at ground floor level from Ballybeg Drive. There shopfront on the ground floor dominates the western elevation adjoining the existing supermarket (Spar) shop. The overall elevation alternates from four to three storeys breaking the massing of the overall visual impact. The contemporary design, albeit bland, represents a different form of housing and building envelop to the existing two storey terraces in the area. Given its strategic location close to social infrastructure, it is my opinion, in design terms, it will make a positive contribution to the character of the neighbourhood.

7.3.3 The height of the building is considerably taller than the two-storey housing in the vicinity. The third-party appellants consider the proposal to be overbearing, overdevelopment of the site and out of character with the general pattern of development in the area. The general pattern of development in the area is mixed, it includes large single storey structures such as the community resource centre across the road from the site, and the primary school to the west, the contemporary church and industrial looking shop, and the two storey dwellings to the east. Given the site's context at a junction off Ballybeg Drive at the junction to the church and the local shop, it is my opinion, the proposed four storeys envelop will create a new architectural statement, which in turn will create a new focal point and urban emphasis along Ballybeg Drive. The proposed development drops down to two storey alongside the terrace of two storey dwellings. Given the orientation, and separation distance between the proposal and existing dwellings, there will be minimal loss of existing residential amenities associated adjoining dwellings. In terms of the building envelop, its site coverage and visual bulk, I consider it to be acceptable given the existing neighbourhood setting and receiving environment.

7.3.4 The proposed high density supports urban consolidation and provides a diversity of housing to meet the future needs of the community. The immediate area is supported by physical and social infrastructure, and there is capacity to cater for the proposed development.

7.3.5 The layout of the proposed development is influenced by the existing road layout of Ballybeg Drive, which creates a development that has the multi-storey component onto the street with communal areas located to the rear of the building. This

provides for a safe and functional living environment, whereby the communal parking and open space areas will have the benefit of supervision from the apartments, and the security of an enclosed gated access. I disagree with the third-party appellants contention that regarding a clear line of sight to the communal areas is required from the public realm to avoid anti-social behaviour. The enclosed areas are service areas associated with the overall development, and these are overlooked providing passive surveillance to the communal areas to the rear and avoiding unsightly utility areas.

- 7.3.6 The proposal accords with the *2018 Sustainable Urban Housing: Design Standards for New Apartments*. It provides for the required mix of apartment sizes, and the floor areas and floor heights exceed minimum standards set out in the criteria (SPPR1 and SPPR5). The floor areas are in line with the requirements for studio, one- and two-bedroom apartments (SPPR 3). The two-bedroom units are dual aspect and a number of the one bedroom units are single aspect. (SPPR4)
- 7.3.7 There is a small communal area to the rear of the building, and 3No. roof gardens 83sq.m. each. Along with the private balcony areas associated with each apartment, the proposed development caters satisfactorily for the amenity needs of future residents.
- 7.3.8 The access is from the internal road serving the church and shop. There are 28No. carparking spaces provided externally and a further 16No. on site accessed from a gated entrance. There will be two gated entrances from the western and eastern site boundaries

In terms of carparking requirements, the development plan requires 15.6spaces for the retail outlet and 1.5spaces per residential unit. Therefore, the proposed provision of 54No. spaces would appear to be a significant shortfall. There is public car parking in the vicinity of the site, and bicycle storage is proposed to encourage other modes of transport. Given its location in a suburban area supported by a local bus route and within walking distance of the college, it is envisaged that each apartment will not require a parking space.

The proposal is a small scale residential/ commercial development and does not require a Traffic Impact Assessment. Ballybeg Drive should continue to operate as it currently is, with spare capacity. The only busy times associated with this section of

the road, are the school runs, the church and the GAA pitch. The development will not negatively impact negatively on level of traffic on Ballybeg Drive.

7.4 Other Matters

Existing water service infrastructure must be relocated and Irish water has recommended a condition be attached.

Part V Social and Affordable Housing Condition is applicable, and the applicant has agreed to transfer 10% of the scheme, 5No. units to be transferred to Waterford City and County Council.

50% reduction in the amount of Development Contributions Payable as the subject site is listed as a Derelict Site.

7.5 Appropriate Assessment

The proposed development is located within an urban area on zoned lands that are serviced. 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.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to:

(a) National Planning Framework

(b) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

(c) Sustainable Urban Housing: Design Standards for New Apartments, 2018

(d) the location of the site within a residential suburb of Waterford City close to community facilities;

(e) the pattern of development in the vicinity, and

(f) the current derelict condition of the site

it is considered that, subject to compliance with the conditions set out below, the proposed development

- (i) would be in keeping with the development plan policies for the area
- (ii) would comply with National Policy Objectives 2(a) and 3(b) which set a target of half (50%) of future population and employment growth to be focused in the existing five Cities and their suburbs and National Policy Objectives 33 and 35 which prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and increase densities in settlements;

which support compact growth in metropolitan and inner suburban areas by prioritising housing development in locations within and contiguous to existing city footprints, as in the proposed case.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 9th of December, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours, and textures of all the external finishes to the proposed development and the boundary and surface treatments, including details of balcony finishes, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

4. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

5. All of the communal parking areas serving the residential units shall be provided with functional 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.

Reason: In the interest of sustainable transportation.

6. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and surface water management.

7. The developer shall enter into water and/or wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 9th of December 2019. The works shall be completed before any of the apartment units are made available for occupation.

Reason: In order to ensure the satisfactory development of the public open space areas.

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

Reason: In the interests of amenity and public safety.

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

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

Reason: In the interests of visual and residential amenity.

11. Proposals for a development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all development signs, and apartment 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).

Reason: In the interest of urban legibility.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and between 0900 and 1300 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of security fencing and hoardings,
 - (d) details of on-site car parking facilities for site workers during the course of construction,
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - (f) measures to obviate queuing of construction traffic on the adjoining road network,
 - (g) measures to prevent spillage or deposit of clay, rubble or other debris on the public road network,
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
 - (i) details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels,
 - (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
 - (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and

(l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. 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.

Reason: To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Caryn Coogan
Planning Inspector

8th of July 2020