



An
Bord
Pleanála

Inspector's Report ABP 307663-20

Development	25 Residential units with access via Cluain Ros Leamhain, new connection to public water main foul and surface water drainage, access roads, footpath parking, landscaping and boundary treatment and ancillary site works.
Location	Rosleven, Tulla Road, Ennis. Co Clare.
Planning Authority	Clare County Council
P. A. Reg. Ref.	20/190
Applicant	Datcha Construction Ltd.
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Don Barrett.
Date of Site Inspection	6 th October, 2020.
Inspector	Jane Dennehy

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1.0 Site Location and Description.

1.1. The site has a stated area of 2.277 hectares and is located to the north of the Tulla Road (R351) and circa three kilometres to the east of Ennis town centre. To the south and east there is residential development, Cluain Ros Leamhain a residential development and to the north and north east are further undeveloped lands in agricultural use subject of a concurrent application under P. A. Reg. Ref. 19/196 for a sixty eight unit development which is before the Board following appeal at present. (PL 306960 refers.) To the north and north west there are undeveloped lands across which there is an agricultural track along the outer side of the boundary of the existing development. Along the western boundary there is natural stone walling along part of which there are also some deciduous trees.

1.2. There is a Distributor road between the lands and the Tulla Road and at its southern end there is a shopping centre and sports playing fields.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for a development of twenty-five residential units: -

- 1 no three-bed detached house,
- 2 no four bed detached houses,
- 6 no three bed semi-detached houses,
- 6 no two bed semi-detached houses,
- 4 no three bed terraced houses,
- 3 no two-bed apartment and
- 3 no one bed apartments.

2.2. The proposed access is through the Cluain Ros Leamhain development to the east where, at present at the boundary in which the opening would be created, there is a hammerhead. A new connection to public water main foul, surface water drainage

arrangements, access roads, footpath parking, landscaping and boundary treatment and ancillary site works are also proposed.

2.3. The application site is part of a masterplan area (3,314 hectares) providing for a total development of ninety-three units. The development of the adjoining lands within the masterplan area is subject of the concurrent application before the board on appeal under P. A. Reg Ref. 19/196 for a sixty-eight-unit development which is before the Board further to an indetermined appeal at present. (PL 306960 refers.)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 30th June, 2020, further to receipt of supplementary submissions on 23rd June and 24th June, 2020, the planning authority decided to grant permission for the proposed development subject to twenty-six conditions most of which of a standard planning and technical nature.
- 3.1.2. Condition No 2 contains requirements for compliance submissions relating to details of road drainage at Nos 1 and 2, a pedestrian crossing, transition between kerbs and footpaths at site boundaries and two parking spaces.
- 3.1.3. Condition No 3 contains requirements for details compliance submissions which include design details for the pedestrian linkage and routing proposals to the south including boundary treatment at the opening, condition survey details for the west boundary, boundary treatment, refuse storage, and construction routing.

3.2. Planning Authority Reports

- 3.2.1. The planning officer states that the proposed multiple unit residential development in principle is acceptable having regard to the CDP's land use zoning objectives and the specific objectives applicable to the site. The density at 32.18 units per hectare are stated to be appropriate and compatible with the core strategy in the CDP providing for a density of circa thirty units per hectare.

- 3.2.2. While the preferred option of the planning authority is for construction access to be via the agricultural track to the north west, the proposed routing through the existing development to the east is stated to be acceptable, subject to adherence to an construction management plan to be agreed by condition.
- 3.2.3. The proposed access via the existing development to the east side is considered appropriate to the planning officer having regard to the parent grant of permission for which the proposed access would have served a higher density development. Subject to resolution of some design and boundary treatment details and matters raised in the technical reports, and those of prescribed bodies, the planning officer recommended that permission be granted.
- 3.2.4. The reports of the Roads Design Department and Municipal Engineer indicated a preference for a construction route via the agricultural track to the north west but considered the proposed route acceptable subject to compliance with condition for an agreed construction management plan and associated requirements including a bond. A requirement for a public lighting scheme is also indicated along with design details for a pedestrian crossing, surface materials, parking layout, drainage, signs and footpath construction, construction waste.
- 3.2.5. The report of the Municipal Engineer also indicates requirements relating to design and attenuation for surface water drainage, finished floor levels and permeable paving.
- 3.2.6. The report of the Environmental Assessment Officer indicates recommendations for incorporation of green infrastructure and integrated cycle and pedestrian access and circulation and measures that promote positive impacts on the environment.

3.3. Prescribed Bodies

- 3.3.1. The report of Department of Culture Heritage and the Gaeltacht indicates a recommendation for an archaeological assessment (including test excavation to be undertaken by a licensed archaeologist) and submitted for agreement, by condition.
- 3.3.2. The report of Irish Water indicates no objection subject to conditions.

3.4. Third Party Observations

- 3.4.1. An objection was lodged by the Appellant Party, Cluain Ros Leamhain Residents Association indicating objection to the proposed construction traffic route and the proposed access arrangements for the operational stage. It is stated that the access route is not suitable due to narrow width and due to concerns about hazard and safety due to the additional traffic movements. It is submitted that access should be from the west of the site, (the preferred route according to the CDP LRD objective) and claimed that the proposed development is contrary to Goals 1, 7, 8 and 10 and of Vol 3A (Ennis Municipal District) in the CDP.

4.0 Planning History

- 4.1.1. Under P.A. Reg. Ref. P18-137/PL303446 the planning authority decision to grant permission for twenty-five dwellings was overturned following third party appeals for reasons relating to dwelling mix, density and qualitative standards as prescribed in DMURS.
- 4.1.2. These application site lands are stated by the applicant to form a masterplan area incorporating the adjoining lands to the north. There is a concurrent application under P. A. Reg. Ref. 19/196 for a sixty-eight-unit development which is before the Board following appeal at present. (PL 306960 refers.)
- 4.1.3. There is an original grant of permission under P. A. Reg. Ref. 04/200 for forty-two dwellings for the application site lands which was not taken up. Concurrently, permission was granted for hotel and residential development incorporating the lands and Rosleven House (in ruins) under P. A. Reg. Ref. 04/199.
- 4.1.4. There is an original grant of permission under P. A. Reg. Ref. 05/2107 for the distributor road.

5.0 Policy Context

5.1. Development Plan.

- 5.1.1. The operative development plan is the Clare County Development Plan, 2017-2023. According to Volume 3 A (Ennis Municipal District):

- 5.1.2. The district, inclusive of surrounding villages and clusters has a projected population of 33,497, in 2023, the current population being circa 25,150.
- 5.1.3. According to Settlement Strategy, the Settlement Plan Policy Objective for Ennis to ensure that the town which is designed as a Hub town in the National Spatial Strategy (now superseded) as the county town at the top of the settlement hierarchy: (a) is a driver of economic and regional prosperity by harnessing its strategic location strong urban structure, retail service and accommodation base as well as its competitive advantages, (b) a vibrant culturally rich town with a revitalised town centre strong economic growth balanced with enhanced social inclusion sustainable neighbourhoods and a high level of environmental quality ensuring an excellent quality of life is achieved and, (c) A local area plan for Ennis is to be prepared and its environs during the lifetime of the CDP.
- 5.1.4. Section 1.4.1 (Strategic Aims for Housing and Sustainable Neighbourhoods) The strategic aims Goal 1, (of ten goals to be carried through into the LAP) provides for Housing and Sustainable Neighbourhoods facilitating sustainable and balanced population increases by way of land use zoning, provision for consolidation and range of social and physical infrastructure, encouragement of population growth and community development, and creation of strong vibrant neighbourhoods in the Ennis area with a high quality and mix of housing for all members of the community while achieving sustainable neighbourhoods and improving place making.
- 5.1.5. Proposals for new residential development must be in accordance with section 28 guidelines and be accompanied by a design statement. (Section 2.2) Development management standards for urban residential development are set out in Appendix 1 The site location is within the Rosleven Neighbourhood and according to section 2.3.1: “

“Recognising the existing availability of neighbourhood services, existing and planned road infrastructure and the potential of Roslevan, lands have been zoned to accommodate the expansion of this neighbourhood in the future. A number of areas of land have been zoned in the Roslevan neighbourhood to accommodate residential growth. The proposed residential development lands are in close proximity to existing housing, shopping facilities, church and

community centre which will assist in the consolidation and appropriate expansion of the neighbourhood.”

- 5.1.6. The application site is within an area subject to the zoning objective “Residential R3; and the adjoining lands are subject to the objective LDR 3 – low density residential development. The specific objective for the site lands is set out overleaf.

“Development proposals for the two sites must protect the character and setting of Roslevan House and Walled Garden. Views to and from the historic Roslevan House should also be a key consideration in the overall layout of future development proposals. It is the preferred option that access to the lands shall be a continuation of the existing distributor road. Development of a high-quality design and layout shall be provided on this site. Additionally, a surface water management plan should be submitted as part of any future planning application on these lands “

- 5.1.7. Development management standards for residential development are in Appendix 1.

5.2. Strategic Guidance.

- 5.2.1. Relevant statutory guidance issued under Section 28 of the Planning and Development Act, 2000 as amended are:

‘Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual’, DOEHLG, 2009.

‘Design Manual for Urban Roads and Streets’ 2012 (DMURS)

‘The Planning System and Flood Risk Management’ (and associated ‘Technical Appendices’)

‘Childcare Facilities – Guidelines for Planning Authorities’ 2001

- 5.2.2. Relevant statutory guidance issued under Section 28 (1C) of the Planning and Development Act, 2000, as amended further to the National Planning Framework to facilitate delivery of sustainable development (the Act): “Urban and Building Heights: Guidelines for Planning Authorities” (2018) (2018 Guidelines)

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from Don Barrett of No 32 Cluain Ros Leamhain who states that he is the chairman of the Cluain Ros Leamhain Residents Association on behalf on 22nd July, 2020. According to the appeal:

- The application constitutes project splitting and the proposed development is piecemeal. A masterplan should have been prepared for the adjoining zoned lands. With a masterplan safer access can be provided through extensions to distributor roads etc.
- The construction access route should be via the preferred route to the west of the site as proposed within the prior application and as shown in the CDP for R3 and LDR. The proposed route is contrary to Goal 7 of Vol 3 (Ennis Municipal District) of the Clare County Development Plan. There are serious health and safety implications with the current proposal especially with regard to the proposed access route.
- The narrow estate road through which both accesses are proposed does not have a 30 kph sign, ramps or caution signs and there are no facilities for construction or deliveries parking.
- The proposed development is contrary to Goal 1 of Vol 3 (Ennis Municipal District) of the CDP in that the traffic passing through it will have hazardous and negative impact on the existing sustainable neighbourhood.
- The proposed development is contrary to Goal 10 of Vol 3 (Ennis Municipal District) of the CDP as there is a lack of green open space within the proposed layout.
- Tin addition to the relocation of the access route, the residents would look more favourably on a reduced scale development which is similar to the existing development and increased green space provision.

6.2. Applicant Response

6.2.1. A submission was received from the applicant's agent on 17th August, 2020 according to which:

- With regard to contentions as to project splitting and the requirement for a masterplan, the applicant is only in ownership of the application site. There is an agreement to purchase the lands to the north for which the separate application was lodged and is under consideration. Both applications were prepared so that cohesion is provided for in relation to the access routes which connect to the development, (outside the applicant's ownership) to the east.
- Provisions for access via the preferred route to the west is not feasible in that the lands are outside the applicant's ownership. The applicant now proposes a route for construction traffic to the north via the existing link road (to the east side of the existing development). The applicant is also willing to plan a beech hedge along the open space area bounding the link road. (Details are shown on figure 3 in the submission.)
- It is clearly indicated on (Figure 1) of the Ennis Settlement Plan that operational stage access should be via the distributor road on the south and eastern boundary and it is classified in DMURS as a Link Road. The Board considered the layout shown for the previous application would result traffic hazard because connectivity through three accesses were proposed.
- With regard to the preferences of the appellant party for a reduced scale and density development reference is made to the designation of the site lands within the CDP's settlement strategy and to the requirements for sufficient density (30 units per hectare) for serviced land usage. Insufficient density was raised in the reasons for refusal of permission for previous proposal.
- Pedestrian connectivity was given priority over vehicular connectivity in the proposal to increase sense of place and community. There is only one vehicular access point. There is one large open space area centrally located and overlooked, mixed dwelling types and good private open space provision.

6.3. Planning Authority Response

6.3.1. A submission was received from the planning authority on 13th August, 2020 in which it is requested that the planning authority decision be upheld. According to the according to the submission:

- The lodgement of separate applications for the application site and for the lands to the north do not constitute project splitting and they are consistent with legislative requirements. The proposed developments show reciprocal integration.
- The quantum of green open space provision is in accordance with the relevant requirements.
- The issues regarding construction and operational stage access, are fully addressed in the planning officer report.

7.0 Assessment

7.1. The issues central to the determination of a decision and considered under the subheadings below are:

Development in principle.

Project Splitting.

Density of Development

Dwelling Mix.

Layout, Amenity and Permeability.

Proposed Routing and Access - Construction Stage Traffic.

Proposed Vehicular Access Operational Stage Traffic.

Archaeology.

Environmental Impact Assessment – Screening.

Appropriate Assessment.

7.2. Development in principle.

- 7.2.1. There is no dispute as to the acceptability of residential development on the site in principle in that it is provided for both in the settlement strategy and zoning and associated objectives as a means of expansion and consolidation of the Roslevan neighbourhood within the Clare County Development Plan, 2017-2023 inclusive of Vol 3A Ennis Municipal District.

7.3. Project Splitting.

- 7.3.1. The site comes within a larger area of lands zoned R3 for the Roslevan Neighbourhood, subject to similar policy and development management objectives, within the CDP (Vol 3A). While the lands have been in separate ownerships, it is confirmed in the current application that the applicant has control over both the application site lands and the lands subject of the concurrent application to the north under P. A. Reg. Ref. 19/196 for a sixty-eight-unit development which is before the Board following appeal at present. (PL 306960 refers.)
- 7.3.2. There is no statutory plan for these parcels of land, and that the lodgement of separate applications is not in conflict legislative provisions of section 2.2 and 2.32 in particular of the CDP, (Vol 3A) Furthermore, the applicant has substantively demonstrated recognition of the requirements for the two sites and the expansion of the Roslevan Neighbourhood Centre therein within the proposed layout and twenty five unit scheme on the subject lands as discussed below. (However, a decision on the application for development on the adjoining lands has not been determined at the time of writing.)

7.4. Density of Development

- 7.4.1. The density of the subject development is increased to approximately thirty-two units per hectare from circa 28 units per hectare which was proposed in the previous application under P. A. Reg. Ref 18/137 for which permission was refused following appeal. The density for the current proposal is consistent with the strategic proposals in the settlement strategy of the CDP and close to the lower end of the range of 30-35 dwellings density for “Suburban/Edge Locations, (City and Town) provide for in *Urban and Building Heights: Guidelines for Planning Authorities*” (DOHPLG 2018)
- 7.4.2. As such there is no material conflict between the strategic guidance and the CDP with regard to the density of development within the current proposal. Support for

the appellant party's advocacy of a lower density development, similar to the prevailing density within the existing adjoining development which comes within the Roslevan neighbourhood is not feasible because a lower density would be in conflict with current national policy for higher density development on designated lands providing for consolidation within urban settlements.

7.5. Dwelling Mix.

- 7.5.1. The dwelling mix, particularly given the outer suburban characteristics of the location towards the edge of a principle provincial town as opposed to a location at or in close proximity to the town centre is considered appropriate and reasonable for the site itself. In this regard it is considered reasonable for there to be a relatively high concentration of three and four bed units as opposed to smaller one and two bed units.

7.6. Layout, Amenity and Permeability.

- 7.6.1. It is considered that there is a relative predominance of hard surfaced space taken up by the internal road and parking. However, subject to full implementation of high quality landscaping, within the scheme which is indicative in the application submissions, which also is a means of amelioration of the visual impact of front curtilage parking within the scheme, along with the achievement of extensive quality reciprocal visual integration between the dwellings and the centrally located public open space it is considered that the proposed layout would be satisfactory. To this end, the contention within the appeal as in deficiencies in green/open space provision is not persuasive. However, resolution as to the adequate provision for circulation of services vehicles should be demonstrated in that an overlap with designated parking is indicated in the swept path analysis.
- 7.6.2. Pedestrian connectivity and linkage with the adjoining lands to the north (which are subject of the concurrent application before the Board) and to the existing development to the south is satisfactorily provided for subject to finalisation of design matters. It is also noted from review of the plans that there appears to be scope for future vehicular access to be provided at these locations as was provided for in prior applications. In order to ensure and clarify that through traffic is precluded and that the twenty five unit development maintains its own sense of identity and place as an enclave within the larger neighbourhood development, it is recommended by

condition or otherwise, that be confirmed that from these access points cannot be used for vehicular access. However, it is acknowledged that an access route from the south via the northern boundary of Cluain Ros Leamhain, is shown in the routing options within the CDP in addition to the proposed vehicular access route via the eastern boundary with Cluain Ros Leamhain.

- 7.6.3. Private open space provision is fully in accordance with the standards provided for in the CDP (Appendix A1.3.2) and the plots and dwellings are positioned appropriately to ensure satisfactory reciprocal relationships with adjoining developments and satisfactory residential amenity standards. It is noted that for the upper floor apartments balconies are proposed as a means of private amenity space which is considered acceptable with the occupants also benefitting from the amenity potential of the centrally located open space.
- 7.6.4. Conditions can be attached, should permission be granted to address matters of detail relating, finalisation and resolution of matters as covered in conditions attached to the planning authority decision, for example, traffic calming, boundary treatment and measures for the protection of the historic stone walling along the western boundary.

7.7. Proposed Routing and Access - Construction Stage Traffic.

- 7.7.1. Prior to the determination of the decision by the planning authority the applicant submitted proposals, on 24th June, 2020 for use of the access point at the north east corner of the existing development, (to the west side of Roslevan House) and through the lands to the north of the application site in the ownership of the applicant for construction access. This route, which brings construction traffic off the Distributor Road and along the internal route around the south and eastern sides of existing development. This proposed access route allows for the elimination of construction traffic routing westwards through a cul de sac to the eastern boundary of the site. Given that the route to the north west is not available for construction stage use, it is considered that the proposed routing, subject finalisation of a comprehensive construction traffic management plan within or in addition to a construction management plan, agreed with the planning authority by condition is satisfactory, acceptable and reasonable and the planning authority's acceptance of this revised arrangement is supported.

- 7.7.2. The limited duration of a construction stage should be borne in mind along with restrictions on operational hours and other associated mitigation during construction of environmental impacts such as noise and dust pollution.

7.8. Proposed Vehicular Access Operational Stage Traffic.

- 7.8.1. Having regard to the original grant of permission under P.A. Reg. Ref 200 2004 which provided for access, as proposed, for a larger development, it is considered that for the proposed twenty five unit development in isolation, the proposed access route through the cul de sac westwards and entrance on the eastern boundary of the site is reasonable in that the additional traffic generated at operational stage would be limited. The configuration of the roadway and footpath along the cul de sac along with the existing hammerhead, supplemented by traffic calming measures, signage, would result in undue adverse impact on residential amenities of existing properties and risk endangerment of public safety by reason of traffic hazard being negligible.

7.9. Archaeology.

- 7.9.1. Having regard to the recommendations in the report of the Department of Arts Culture and the Gaeltacht, it is recommended, should permission be granted, that a monitoring condition be attached.

7.10. Environmental Impact Assessment – Screening.

- 7.10.1. Having regard to the minor nature of the proposed development and its location in a suburban area for which services are available and which is removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.11. Appropriate Assessment.

- 7.11.1. The site location is on the east side of Ennis on a greenfield site within a residential area. The European sites closest to the site location are:

Ballyalia Lake SAC (000014) 0.75 km from the site. The qualifying interest is Calaciferous fens with *Cladium mariscus* and species of the *caricion davallianae* [7210]

Ballyallia Lough SPA (004077) 0.75 km from the site. Several bird species are qualifying interests.

The Lower River Shannon SAC (002165). 1 km from the site. Several habitats, fish species and the otter are qualifying interests.

7.11.2. These European sites do not have direct or indirect connectivity including hydrogeological connectivity to the application site that would be cause of source pathway risk having regard to the qualifying interest. It is, therefore, reasonable to conclude that on the basis of the information available, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these European Sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not required.

8.0 Recommendation

8.1. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld, based on the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to:

- the Clare County Development Plan 2017-2023, as Varied according to which the site is within the Rosleven Neighbourhood Area and is subject to the zoning objective R3: providing for lower density residential development
- the provisions of the *Sustainable Urban Housing - Design Standards for New Apartments – Guidelines for Planning Authorities*, issued by the Department of the Environment, Community and Local Government in December 2015 and 2018,
- to the layout of the proposed development including provision for connectivity with existing development and adjoining lands zoned for

development, and the layout and established character of surrounding development

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities, architectural character and residential amenities of the area or the future occupants of the proposed development, would be acceptable in terms of pedestrian and traffic safety and convenience, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged on 16th March 2020, 19th March, 2020, 23rd June, 2020 and 24th June, 2020 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. Prior to the development the applicant shall submit and agree full details of the following requirements with the planning authority:
 - Surface treatment at the front of and between Dwelling Nos 1 and 2.
 - Design and layout and materials for the proposed pedestrian crossing.
 - Taper and transition details for roads and footpaths at boundaries.
 - Omission of two communal parking spaces at the west of the site including footpath connectivity at Dwelling Nos 20 and 21.

- Provision for cycle storage and parking for first floor apartment units.
- Amendment to the south pedestrian route to the adjoining lands. The footpath shall join the turning head directly opposite the footpath south east of the turning head. The boundary wall which shall be finished in natural stone to both sides, shall be reduced in height to a maximum of 1.2 metres and the opening shall be at a minimum of 1.8 metres in width.
- A boundary wall with a maximum height of 1.2 metres finished in natural stone on both sides with an opening with a minimum of 1.8 metres in width shall be erected at the location of the pedestrian link to the north.
- A condition survey of the existing historic walling and ditch along the western boundary along with full details of proposed remedial works
- Details of the proposed arrangements for a pedestrian opening in the western boundary wall.
- Details for bin storage arrangements for the apartments and Dwelling No 19.
- Substitution of post and timber panel fencing with two metres high capped and pointed concrete block walls.
- First floor side elevation bathroom windows in the apartment blocks shall be in opaque glazing
- Design details for gated access for the rear gardens.
- Finished floor levels which shall accord with the details submitted to the planning authority on 16th March, 2020, road levels, foul and storm sewer levels and gully points.
- Full details of permeable paving and storm drainage for each dwelling.

Reason: In the interest of clarity, order development and the interests of the proper planning and sustainable development of the area.

3. The construction of the development shall be managed in accordance with a Construction and Waste Management Plan, which, on appointment of a contractor, 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 compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during construction.
 - (b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Noises levels shall be managed to accord with the standards in BS 5228: Noise Control on Construction and Open Sites Part 1 Code of Practice for Basic Information and procedures for noise control and shall not result in grounds for complaint as provided for in B.S. 4142. *“Method for rating industrial noise affecting mixed residential and industrial areas”*.
 - (d) 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.
 - (e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
 - (f) 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.
 - (g) The plan shall be 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.

Reason: In the interest of amenities, public health, safety and sustainable development.

4. 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.

Reason: In the interest of sustainable waste management.

5. The construction of the development shall be managed in accordance with a Construction Traffic 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 the proposed construction traffic routing between the distributor road and the proposed access point at the north eastern end of the site, construction traffic signage, construction traffic management, intended construction practice and arrangements for construction parking, materials storage, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

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

7. 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 house.

Reason: In the interests of amenity and public safety

8. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

9. Details of the proposed arrangements for hard and soft landscaping and boundary treatment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenities.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including

in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

12. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development shall take place at roof level, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorized by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

13. 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 -

(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,

(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

14. Proposals for a name and numbering scheme and associated signage for the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

15. A plan containing details for the management of waste, 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 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: To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.

16. 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 open spaces, roads, parking spaces and circulation 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.

17. 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.

18. 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.

Jane Dennehy
Senior Planning Inspector.
2nd November, 2020.