



An
Bord
Pleanála

Inspector's Report ABP-307733-20

Development	17 dwellings consisting of 12 two storey semi-detached, 4 two storey terraced and one single storey dwelling served by existing road network, with connection to services, boundaries and boundary treatments, attenuation system, and associated works.
Location	Ballygannon, Rathdrum, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20397
Applicant(s)	Daniel Esmonde
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Nóra Bhreathnach & Ray Sullivan
Observer(s)	None.

Date of Site Inspection

8th October, 2020

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the townland of Ballygannon on the north-western fringe of the built-up area of Rathdrum, Co. Wicklow, approximately 1.1km northwest of the town centre, where it occupies a position alongside a small cul-de-sac of conventional two-storey detached & semi-detached housing known as Stewart's Hall with access obtained via the existing estate roadway which extends from Ballinderry Road (Local Road No. L6123) to the southwest. The immediate site surrounds are characterised by the gradual transition from the urban area to the wider rural / agricultural hinterland with a notable undeveloped landbank separating Stewart's Hall and the application site from Saint Colman's Day Care Hospital and the town proper further southeast. On the opposite side of Ballinderry Road to the southwest there is the mature housing estate of Ballygannon which is largely dominated by two-storey, semi-detached dwelling houses on generous plots with many of these sites having been subdivided to accommodate the construction of new housing in a somewhat uncoordinated and piecemeal manner.
- 1.2. The site itself has a stated site of 0.6 hectares, is rectangular in shape, and comprises the access road and open space serving Stewart's Hall as well as 2 No. undeveloped plots of land which would appear to have been disturbed in part by the building / ground works associated with the construction of the neighbouring housing scheme. The southernmost plot occupies an infill position to the rear of 4 No. dwelling houses within Stewart's Hall between Ballinderry Road and an area of open space whilst the northernmost plot extends eastwards from neighbouring housing alongside the access road. The wider site area is bounded by a combination of existing boundary walls and low hedgerow with the prevailing site topography falling in a south-eastwards direction towards the main town with undeveloped / agricultural lands to the northeast-east and southeast.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 17 No. dwelling houses as follows:
- 4 No. 3-bedroom, 2-storey semi-detached houses (House Type 1: 94.8m²)

- 4 No. 3-bedroom, 2-storey terraced houses (House Type 1: 94.8m²)
- 8 No. 3-bedroom, 2-storey semi-detached houses (House Type 2: 107m²)
- 1 No. 3-bedroom, single-storey bungalow (96m²)

2.2. The overall design and layout of the proposal provides for a continuation of the existing housing scheme of Stewart's Hall and is typical of a suburban format of development with the dwelling houses having been provided with front and rear garden areas and dedicated off-street car parking. The individual dwellings are of a conventional design with external finishes including blue-black concrete roof tiles, nap plaster, and selected brick.

2.3. Access to the housing will be obtained via the existing estate roadway which extends from the public road to serve the adjacent scheme of Stewart's Hall. The proposal also includes for connection to the existing water supply and drainage services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 16th July, 2020 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 20 No. conditions. These conditions are generally of a standardised format and relate to issues including Part V, infrastructural works / services, external finishes, boundary treatment, landscaping, public lighting, construction management, and development contributions, however, the following condition is of note:

Condition No. 5 – Requires the provision of a pedestrian crossing (uncontrolled) at the end of the footpath in the open space to the footpath on the opposite side of the roadway outside Unit No. 11 prior to the commencement of development.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context, planning history, and applicable policy considerations before stating that the proposed development is acceptable in principle given its location on

lands zoned as 'R20: New Residential' where it is the stated objective 'to protect, provide and improve residential amenities at a density up to 20 units / ha' and as the site previously formed part of a larger landbank approved for the development of 68 No. dwellings under PA Ref. No. PRR04/1310. While it is acknowledged that the density of the scheme at 22.8 units / Ha is in excess of the zoning target and that of the neighbouring development of Stewart's Hall, having regard to the provisions of the County Development Plan, it is deemed to be compatible with the prevailing pattern of development and National Policy Objective 35 of the National Planning Framework which aims to 'increase residential density in settlements'. The overall design and layout of the proposal is considered acceptable and although there is little variation in the house types proposed, given the limited scale of the scheme, the Planning Authority is amenable to same. The report concludes by recommending a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

Roads: Recommends the inclusion of bicycle parking for the terraced units, the provision of an uncontrolled pedestrian crossing at the end of the footpath on the open space, and the upgrading of the public lighting within the development boundary to LED lanterns.

Housing, Capital Projects: States that the location and spread of the Part V proposals are satisfactory and that the proposed units would appear to be acceptable, although it is recommended that the en-suites be omitted and that a minimum of 4m² of storage space be provided in all of the units. It is also stated that if the Council is to receive funding then the units must accord with the Guidelines set out in Quality Housing for Sustainable Communities, including the provision of an aggregate living area of at least 30m².

Chief Fire Officer: No objection, subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objection subject to conditions.

3.4. Third Party Observations

3.4.1. A total of 7 No. submissions were received from interested third parties and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- The inadequacy of the surrounding road network, including the estate road, to accommodate the proposed development (and the additional housing permitted on the adjacent lands under PA Ref. No. 19/991), the potential for increased traffic & congestion, and the endangerment of public safety by reason of traffic hazard.
- Detrimental impact on the quality of life and residential amenity of the occupants of neighbouring housing.
- The lack of capacity within the existing drainage services etc. to accommodate the proposed development.
- The noise, pollution, congestion, safety concerns, and general disturbance associated with the construction of the proposed development.
- The proposed development does not accord with the Rathdrum Local Area Plan, 2017 as regards servicing, infrastructure, and traffic management etc.
- The environmental impact on local flora and fauna (including bat species) / wildlife considerations.
- Visual impact and the loss of views over the surrounding countryside.
- Concerns as regards the future upkeep / maintenance / completion of the proposed development.
- The unfinished nature of the adjacent 'Stewarts Hall' housing scheme.
- The design, scale and density of the proposal is not in keeping with the surrounding pattern of development (i.e. Stewarts Hall).
- The overall level of housing development envisaged for Rathdrum.
- Deficiencies in public open space provision.
- The inadequacy of the car parking provision and the absence of any overflow / visitor parking.

- The need for a full-time Garda presence and improved fire emergency services in the village.
- Wider concerns as regards the impact of the proposal on commuting patterns, traffic generation, and the need for improvements to public transport services.
- Concerns as regards security / anti-social behaviour.
- The need for fibre broadband to be rolled-out throughout Rathdrum, including at Stewart's Hall.
- An alternative proposal should be considered whereby Stewart's Hall would be provided with a new entrance and completed as a self-contained housing scheme.
- The demand / pressure for improved school / educational services in Rathdrum.

4.0 Planning History

4.1. *On Site:*

PA Ref. No. 014199. Was granted on 3rd July, 2002 permitting William Woolmington approval for 12 No. houses, a sewerage treatment plant, and percolation area.

PA Ref. No. 039611. Application by William Woolmington for permission for the construction of 68 No. houses comprising 21 No. two-storey detached houses, 32 No. two-storey semi-detached houses, and 15 No. two-storey terraced houses. This application was withdrawn.

PA Ref. No. 041310. Was granted on 6th December, 2014 permitting William Woolmington permission for the construction of 68 No. houses consisting of 2 No. 3 bed houses of 6 No. different house types of 18 No. detached, 26 No. semi-detached and 24 No. terraced houses. This development also included an access road within the development, all ancillary site development works & removal of temporary sewage treatment plant.

PA Ref. No. 091195. Was refused on 7th January, 2020 refusing Holross Holdings Ltd. permission for amendments and revisions to previously granted file ref 04/1310 including: the realignment of existing access roads on to site to match previous

planning permission drawings, amendments to dwelling locations and boundaries of dwelling numbers 13 - 20 and 38 - 42, along with minor amendments to service drawings, amendments to the main site boundaries and overall area which affect lands granted for Part V. This application was based on the previous grant of permission which involved the construction of 68 No. houses consisting of 3/4 bed houses of 6 No. different house types, 18 No. detached, 26 No. semi-detached and 24 no terrace house. The development also sought permission for revisions to the previously submitted site boundaries, access roads within the development, all ancillary site development works and the removal of temporary sewage treatment plant.

- There is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission if granted or with conditions to which such permission if granted would be subject.

PA Ref. No. 091313. Application by William Woolmington for permission for 10 No. two-storey semi-detached dwellings, 3 No. two-storey detached dwellings and associated site works. This application was withdrawn.

4.2. *On Adjacent Sites:*

PA Ref. No. 052131. Was granted on 8th September, 2005 permitting William Woolmington permission for a single storey creche at Ballygannon, Rathdrum, Co. Wicklow.

PA Ref. No. 181252. Application by Oakmont Developments Ltd. for permission for 67 No. dwellings in semi-detached, detached and terraced format and a crèche, with connection to services and associated works including roads, footpaths, public lighting, open space, landscaping, boundaries and boundary treatments and attenuation system. All at Ballygannon, Rathdrum, Co. Wicklow. This application was withdrawn.

PA Ref. No. 19991. Was granted on 29th November, 2019 permitting Ridgeway Homes Ltd. permission for 74 no. fully serviced dwelling houses consisting of 10 no. 4 bed semi-detached, 38 no. 3 bed semi-detached, 10 no. 3 bed terrace, 10 no. 2 bed terrace, 6 no. 3 bed detached, along with the erection of 1 no. crèche building

comprising 174m² together with connection to services and all associated and auxiliary site works, all at Ballygannon, Rathdrum, Co. Wicklow.

4.3. *On Sites in the Immediate Vicinity:*

PA Ref. No. 053430. Was granted on 8th August, 2006 permitting Rathdrum Properties Ltd. permission for 110 no. dwellings and 1 no. childcare facility together with associated site works, including the upgrading of the junction with the Ballinderry Road and the upgrading of Union lane, all at Ballinderry Road, Ballygannon Td., Rathdrum, Co. Wicklow.

- PA Ref. No. 114306. Was granted on 16th June, 2011 permitting Rathdrum Properties Ltd. an 'Extension of Duration' of PA Ref. No. 053430 until 6th August, 2016.

5.0 **Policy and Context**

5.1. **National and Regional Policy**

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the importance of smaller towns and villages and their contribution towards Ireland's identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impacts of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.

5.2. **Development Plan**

5.2.1. ***Wicklow County Development Plan, 2016-2022:***

Chapter 3: Settlement Strategy:

Section 3.2: County Wicklow Settlement Strategy:

Level 5 – Small Growth Towns: Rathdrum

Chapter 4: Housing:

Section 4.3: Key Housing Principles:

Section 4.3.6: Design of New Developments

Section 4.4: Housing Objectives:

HD1: New housing development shall be required to locate on suitably zoned or designated land in settlements, and will only be considered in the open countryside when it is for the provision of a rural dwelling to those with a housing, social or economic need to live in the open countryside.

HD2: New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living for occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

HD3: All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards document appended to this plan, which includes a Wicklow Single Rural Houses Design Guide.

HD5: In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle.

HD9: In areas zoned / designated 'existing residential', house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and

contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

HD10: In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unserviced, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

HD11: In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted on such lands.

HD12: While the zoning objectives indicate the different uses permitted in principle in each zone it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones. In these areas it is necessary to avoid developments that would be detrimental to amenity. In zones abutting residential areas, particular attention will be paid to the use, scale, density and appearance of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.

Chapter 9: Infrastructure:

Section 9.1: Roads and Transportation

Appendix 1: Development and Design Standards:

Section 1: Mixed Use and Housing Developments in Urban Areas

5.2.2. Rathdrum Local Area Plan, 2017-2023:

Land Use Zoning:

The proposed development site is predominantly zoned as '*R20 Residential*' with the stated land use zoning objective '*To protect, provide and improve residential amenities at a density up to 20 units/ha*', although the existing area of open space associated with the adjacent housing development of Stewart's Hall is zoned as

'RE: Existing Residential' with the objective *'To protect, provide and improve residential amenities of existing residential areas'*.

Description: *R20 Residential:*

- To facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.

Description: *RE: Existing Residential:*

- To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.

Other Relevant Sections / Policies:

Section 3.3: Residential Development

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Vale of Clara (Rathdrum Wood) Special Area of Conservation (Site Code: 000733), approximately 500m northwest of the site.
- The Vale of Clara (Rathdrum Wood) Proposed Natural Heritage Area (Site Code: 000733), approximately 500m northwest of the site.
- The Ballinacor Wood Proposed Natural Heritage Area (Site Code: 001749), approximately 3.7km west of the site.
- The Glenealy Woods Proposed Natural Heritage Area (Site Code: 001756), approximately 4.5km northwest of the site.

- The Deputy's Pass Nature Reserve Special Area of Conservation (Site Code: 000717), approximately 5.3km northwest of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

- There are serious concerns as regards the health and safety implications of the proposed development for the residents of the neighbouring housing scheme of Stewart's Hall given its siting relative to same and the proposal to avail of the existing estate road / access arrangement. Particular concerns arise as regards the increased volumes of traffic using the service road and the proximity of the proposed construction works given that young children regularly play in the public open space located across from the development site.
- The proposed development will be reliant on access via the existing one-way traffic system from Main Street which is characterised by a series of narrow streets that already experience high levels of traffic, including articulated lorries, school buses, refuse collection, and other HGVs. There is only a single pedestrian footpath along both of these roadways which is used by children attending the local primary and secondary schools. Therefore, the increase in traffic consequent on the proposed development poses a risk to local residents and the wider public.

- There are concerns as regards the increased demand on emergency fire services as a result of the proposed development.
- The disturbance and noise etc. associated with the construction works will have a detrimental impact on the residential amenity of neighbouring housing.
- The negative impact on the natural environment / wildlife considerations, including the loss of natural flora and fauna. In this regard, it is submitted that protected species such as red kites and bats use the area for hunting and roosting.
- The additional vehicular traffic will give rise to increased air pollution / a drop in air quality.
- Given the commitment to reducing carbon emissions, the proposed development will only have a negative impact on the area and its population.
- The density of development on such a small site is not appropriate nor is it conducive to the co-ordinated and proper planning of the area.
- The proposed housing will have a significant negative impact on the visual amenity of the residents of Stewart's Hall due to the loss of views over the surrounding rural area.
- After a prolonged campaign, Stewart's Hall was eventually finished by the developer, albeit to a substandard level, whilst the on-going upkeep of the estate is undertaken by local residents who pay an annual maintenance fee to the residents association and employ a landscaper to cut the grass in the open spaces. Therefore, concerns arise as regards the responsibility for the future maintenance of the green areas on completion of the proposed development.
- It is considered that Stewart's Hall should be permitted to maintain its own identity distinct from the proposed development.
- The overall design and layout of the proposed development, which includes terraced housing, will result in the devaluation of property in the vicinity.
- The proposal to construct 8 No. dwellings, including terraced units, within the confined area to the rear of Nos. 1 – 4 Stewart's Hall is not in keeping with the

established pattern or density of development which is characterised by detached & semi-detached housing. This element of the scheme will have a detrimental impact of the residential amenity of neighbouring residents by reason of a loss of privacy and a diminution in their quality of life.

- The subject proposal, along with the development approved on adjacent lands, will give rise to significant additional traffic volumes along Ballinderry Road and within Rathdrum as a whole. It will also contribute to traffic hazards in the vicinity of the entrance to Stewart's Hall and on Ballinderry Road.
- The Ballinderry Road does not have the capacity to accommodate additional traffic as it is a minor secondary road without adequate space or lighting.
- When taken in combination with that element of the development approved on the adjacent lands under PA Ref. No. 19991 which will also avail of the access road serving Stewart's Hall, it is anticipated that the proposed housing will result in c. 74 No. additional cars using the same entrance and access as an estate that was developed almost 20 years ago and comprises 12 No. houses with (on average) 2 No. cars per household. In effect, it is proposed to allow in excess of 90 No. cars into an estate served by a small access road where it is already difficult for two cars to pass side-by-side. Moreover, when coupled with on-street parking and the increase in work-related traffic associated with the new housing, the subject proposal will result in a grossly overpopulated rural area which can only lead to chronic traffic congestion both within the site and along the surrounding road network.
- Given the increasing population of Rathdrum and the limited availability of daily bus and train services to Dublin City and Wexford, the proposed development should not be granted permission. Consideration should be given to the provision of additional public transport services to cater for the growing demand being placed on existing road infrastructure and amenities.
- The increasing levels of development in Rathdrum demand the provision of adequate / improved educational services. In this regard, it is submitted that local schools are already at capacity and in need of further classrooms / facilities.

- There are concerns as regards the transparency of the planning process given that representations were made by an elected representative on behalf of the developer in the absence of any consultation with local residents.

6.2. Applicant Response

- Although the subject appeal has been lodged on behalf of the Stewart's Hall Residents Association, it is unclear if all the residents of that scheme are in support of the submission.
- The repeated references to the development approved under PA Ref. No. 19/991 are intended to frustrate the appeal process. That development was not appealed and should not be considered in the assessment of the subject proposal. Indeed, the continued reference to that development warrants dismissal of the appeal.
- The proposed development is located on residentially zoned lands in Rathdrum which has been classified as a 'Level 5' Urban Sector Designated Area in the Wicklow County Development Plan. The town is well served by the road network and also benefits from a train station along the main Dublin-Wexford railway line.
- The subject site forms part of the initial Stewart's Hall development which was constructed c. 17 No. years ago as the first phase of a much larger scheme planned for the residentially zoned lands, although it would appear that the wider development did not proceed and that the existing estate was left in an unfinished condition with the developer's bond being used to complete the works. The resulting situation is that the housing scheme of Stewart's Hall is located remote from other development in the Ballygannon area, however, the subject proposal will assist in better integrating that development into Rathdrum town.
- The original plan for the application site sought to develop housing similar to that at Stewart's Hall, however, the subject proposal now intends to finish this part of the estate with a high-quality housing development.

- The overgrown nature of the subject site is not suited to a centrally located residential area.
- The appellants have welcomed the prospect of Stewart's Hall becoming a finished estate which would seem to imply an acceptance that the subject lands will be developed to the advantage of the neighbouring housing scheme.
- Having regard to the construction of Stewart's Hall as part of an overall eventual development, and in light of the site location to either side of the access road, it was always the intention to develop the subject lands with access for each dwelling directly off the roadway.
- The proposed development will be carried out in accordance with a Health & Safety Plan as per HSE and CIF regulations.
- Condition No. 6 of the notification of the decision to grant permission requires the submission of a detailed Construction Management Plan (to include a programme of works, traffic management, noise & dust mitigation etc.) for agreement in writing with the Planning Authority prior to the commencement of development. It is the intention of the developer to carry out the development in accordance with any conditions attached to the grant of permission to the satisfaction of the Planning Authority. It is also proposed to appoint a Site Safety Officer to prepare a Site Safety Statement and to oversee all issues pertaining to health and safety on site (including restrictions attached to COVID-19 guidance).
- The reference to the development only being accessible from the one-way system is misleading. Whilst there is a one-way traffic system in the Main Street / Market Square area of the town (over 1km from the site), once traffic is clear of this part of the town, the road network reverts to two-way traffic from which the subject site is accessed. It should also be noted that a one-way system is not uncommon in town centres.
- The statement that '*there only being one narrow footpath on the access roads for pedestrians to use*' is misleading in that the footpaths in the area are all of a standard width of between 1.8m and 2.0m and accord with the recommendations of the Department of the Environment.

- The proposed development is within walking distance of the main local national school and a second level college.
- The subject lands were zoned for residential development due to their convenient location and the ease of access to amenities in the town, including schools, shopping and sports clubs etc.
- The assertion that the subject proposal and neighbouring development pose a health and safety risk to the general public should be disregarded as it references an entirely separate development and is not supported by any evidence.
- Concerns with regard to the local fire service are without foundation. Rathdrum is served by 9 No. part-time firefighters with a state-of-the-art fire station which is the standard for a town with a population of less than 20,000 persons. It is professionally run with regular training and briefing sessions and operates under its full complement of staff.
- The proposal provides for the retention and enhancement of the existing open space through additional tree planting. While the appellant has stated that '*the new development proposes planting trees where they already grow abundantly*', this is not correct as there are only 3 No. trees in this open space which appear forlorn in their isolation. The native tree planting proposed will enhance the open space and will also serve to complement birdlife and the amenity of the area.
- The existing hedgerow along the northern site boundary is to be retained and supplemented.
- When the site was originally zoned for development it was for a higher density of 28 No. units / hectare. The current zoning is for 20 No. units / hectare. During the course of pre-planning it was agreed that the subject proposal would complete the development of the western side of these lands, including Stewart's Hall.
- Given that the site is zoned for residential development, there is no basis on which to suggest that the proposal is contrary to proper planning.

- The proposed development will improve the aesthetics / visual amenity of the existing estate by redeveloping the overgrown and unkempt areas.
- It is anticipated that future residents will contribute to the residents association and the upkeep of the estate.
- The suggestion that the terraced housing will depreciate the value of property in the vicinity is unfounded.
- The provision of semi-detached, terraced and single-storey housing will provide for variety and diversity in the streetscape and will also enhance the overall estate development.
- This is an infill site on residentially zoned lands where public services etc. are available.
- The proposed development complies with the Rathdrum Town Development Plan and accords with the proper planning and sustainable development of the area.
- No evidence has been submitted to support the assertion that the road network is incapable of accommodating the proposed development. The Ballinderry Road is 6m wide, well maintained with footpaths and street lighting, and complies with TII standards.
- It is proposed to provide 2 No. off-street parking spaces per dwelling in order to avoid roadside parking and the associated obstruction of larger vehicles such as refuse trucks and emergency services.
- The existing road network is of a standard construction and width with no issue as regards cars passing one another. Moreover, the Planning Authority is precluded from granting permission for substandard development.
- This is not a rural area as has been suggested by the appellant and is located within the town boundary.
- Rathdrum is well served by 2 No. national schools and a secondary college which are all thriving and there is no evidence to suggest that the development will negatively impact on education services in the town.

- The educational system is managed at a national level with the provision of school services responding to increased demand / changes in population. For example, Wicklow Town and Rathnew have seen the construction of 4 No. new schools over the last 15 No. years to cater for the increase in population.
- It is common practice for elected representatives to support the provision of housing on residentially zoned lands. The housing crisis is at a critical stage and there is a need for such lands to be developed as intended.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Impact on biodiversity / wildlife considerations
- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. The settlement hierarchy set out in Table 2.2 of the Wicklow County Development Plan, 2016-2022 identifies Rathdrum as a '*Level 5 – Small Growth Town*' and states that these towns have been targeted for population growth in light of their good quality bus / rail links and their location relative to the larger growth towns. In this regard, it is of particular relevance to note that whilst these settlements are not to be prioritised for major growth or investment, they are envisaged as accommodating local indigenous growth and investment as well as providing for urban housing to serve the needs of people from across the County and region. It is also recognised that possible improvements to the Wicklow rail route could assist in supporting economic and housing activity in smaller rail served towns such as Rathdrum thereby supporting the continued delivery of a strong defined settlement pattern for the County. In this respect, it is expressly stated that the Plan will acknowledge the elevated status of Rathdrum within the 'small growth town' category arising from its rail connection, particularly with regard to the growth targets.
- 7.2.2. In addition to the foregoing, I would draw the Board's attention to the Core Strategy set out in the County Development Plan wherein it is projected that the population of Rathdrum will grow from 1,638 in 2011 to 2,843 by 2022 with a further targeted growth of up to 3,171 and 3,500 by 2025 & 2028 respectively (although it should be noted that these population targets were prepared taking into account population growth patterns since 2006 and CSO regional population projections based on the 2011 Census as earlier projections and targets had become outdated since the 2006 Census whilst the 2016 preliminary Census results were not yet available). Accordingly, in response to this projected population growth, Table 2.7: '*County Wicklow Housing Growth Distribution 2022, 2028*' of the Plan has detailed a need for 821 No. additional units within Rathdrum between 2011 and 2028.
- 7.2.3. Having established both the preference and demand for new housing in Rathdrum in line with the county settlement strategy, cognisance must also be taken of the relevant provisions of the Rathdrum Local Area Plan, 2017 which reasserts the position of Rathdrum as a 'Level 5 - Small Growth Town' that provides important economic and social services to its population and immediate hinterland, has a good range of infrastructural services, and is suited to accommodating urban generated housing demand.

(Notwithstanding the provisions of the Planning and Development Act, 2000, as amended, whereby development plans for towns with a population of less 5,000 could be incorporated into the County Development Plan, the Planning Authority determined that Rathdrum warranted the preparation of a 'standalone' Local Area Plan given its planned population targets and / or higher order function in the settlement hierarchy).

- 7.2.4. Section 1.2 of the LAP notes that the population and housing unit figures used in the County Development Plan are derived from the 2011 Census as the full results of the 2016 Census were not available at the time of the making of that plan. Therefore, the applicable Census figures have been amended where required using additional data sources such as the CSO 'Small Area Population Statistics' and the An Post GeoDirectory with the result that the LAP has calculated an updated housing stock requirement on the basis of these population targets, the decreasing numbers of occupants of each house, and further built-in assumptions as regards the level of vacancy / second homes. These revised figures have thus projected a 'Housing Unit Growth Requirement' of 1,045 No. additional units in the town up to 2028 with adequate lands having been zoned to yield a potential housing supply of c. 1,040 No. units.
- 7.2.5. Whilst I would acknowledge that neither the current County Development Plan nor the Rathdrum Local Area Plan have been updated to take account of the strategic policy developments set out in the National Planning Framework: Project Ireland 2040 or the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy, 2019-2031, I am nevertheless satisfied that the core strategy of the plans establishes a reasonable basis on which to consider the subject application and, more specifically, the appropriateness of siting the additional housing proposed within Rathdrum in light of the available services etc. Moreover, such an approach would correlate with the wider national strategic outcomes set out in the NPF, including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 (as referenced by the case planner) which aims to '*increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.

7.2.6. With respect to the specifics of the subject proposal, it is of relevance to note that the application site is within the development boundary of Rathdrum as identified in the LAP and that the location of the proposed housing is zoned as '*R20 Residential*' with the stated land use zoning objective '*To protect, provide and improve residential amenities at a density up to 20 units/ha*'. It is also situated between an established housing development (i.e. Stewart's Hall) and a residential scheme approved on the adjacent lands to the immediate east / southeast under PA Ref. No. 19991 (in this regard, it is notable that the general development strategy within Rathdrum over the last 30 years has been to bridge the gap between the 'Ballygannon' housing development to the southwest and the town centre). Accordingly, I would suggest that the proposed development site could be considered to comprise an infill site where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of neighbouring properties. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill. Further credence is lent to the proposal by reference to the fact that permission was previously granted for housing on site as part of a wider residential development approved under PA Ref. No. 041310.

7.2.7. Therefore, having considered the available information, including the site context and land use zoning, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties

7.3. **Overall Design and Layout:**

7.3.1. *Proposed Housing Density:*

The proposed development consists of the construction of 17 No. dwelling houses on a site of 0.6 hectares at a density of 28 No. units / hectare and whilst I would

concede that this exceeds the upper limit of 20 No. units / hectare envisaged for lands zoned as '*R20 Residential*' in the Local Area Plan, I am cognisant that the National Planning Framework: 'Project Ireland 2040' aims to achieve more compact urban growth and sustainable densities within settlements by reference to National Policy Objective 35.

7.3.2. Therefore, having regard to the foregoing, and given the limited size and configuration of the subject site, its relationship with adjacent properties, the planning history of the area, and the surrounding pattern of development, I am satisfied that the density proposed is appropriate to the site context and that it achieves a suitable balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill, as per the requirements of the Local Area Plan and the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.

7.3.3. *Proposed Design, Layout & Housing Mix:*

The overall design and layout of the proposal is conventional in appearance and typical of a suburban format of development with each unit having been provided with front and rear garden areas and dedicated off-street car parking, however, whilst the architectural treatment of the individual house types deviates somewhat from the existing housing within Stewart's Hall and the scheme permitted on the adjacent lands under PA Ref. No. 19/991, I am satisfied that the proposal represents an appropriate design response given the site context which is in keeping with the surrounding pattern of development and will not detract from the residential or visual amenities of neighbouring properties.

7.3.4. In terms of house designs / types / sizes and the variety of building typologies, whilst I would acknowledge that the proposal provides almost exclusively for two-storey, three-bedroom housing, albeit through a combination of detached, semi-detached and terraced units, with the exception of 1 No. single storey (three-bedroom) bungalow, given the limited scale of the development in the context of the wider area, with particular reference to the housing scheme permitted on the immediately adjacent lands under PA Ref. No. 19/991, I am satisfied that the submitted proposal provides for a reasonable mix of house types.

7.3.5. With respect to the specific concerns raised in the grounds of appeal as regards the proposal to construct 8 No. dwellings, including a series of 4 No. terraced units, on those lands to the rear of Nos. 1 – 4 Stewart’s Hall, at the outset, I would advise the Board that the inclusion of these units serves to increase the overall density of the development in line with national policy and also provides for a greater diversity / variety of housing types within the scheme itself. Furthermore, notwithstanding that the immediately adjacent dwelling houses within Stewart’s Hall comprise detached & semi-detached units, I am cognisant that comparable terraced housing has already been approved on those lands to the southeast as part of the wider development permitted under PA Ref. No. 19/991. Therefore, I would have no objection in principle to the inclusion of the proposed terraced housing in light of the overall character and emerging pattern of development in the area. However, by way of further comment, it should be noted that the private open space (55m²) for Unit Nos. 6 & 7 (which have been identified for transfer pursuant to Part V of the Planning and Development Act, 2000, as amended) does not achieve the minimum requirement of 60m² for three-bedroom housing as set out in Section 1: ‘Mixed Use and Housing Developments in Urban Areas’ of Appendix 1: ‘Development and Design Standards’ of the County Development Plan.

7.4. Impact on Residential Amenity:

7.4.1. Having reviewed the available information, and in light of the site context, including its relationship with neighbouring properties, in my opinion, the overall scale, design, positioning and orientation of the proposed development, with particular reference to the separation of same from adjacent dwelling houses, will not give rise to any significant detrimental impact on the residential amenity of neighbouring properties by reason of overlooking or overshadowing.

7.4.2. Whilst I would acknowledge that there may be some concerns that the proposed development will have a detrimental impact on the residential amenity of nearby dwelling houses by reason of the obstruction (in part) of views over the surrounding area that may presently be available from those properties, it is of the utmost relevance to note that any such views are not of public interest nor are they expressly identified as views worthy of preservation in the relevant Development Plan. They are essentially views enjoyed by a private individual from private property. A private individual does not have a right to a view and whilst a particular

view from a property is desirable, it is not definitive nor is it a legal entitlement and, therefore, I am of the opinion that the proposed development would not seriously injure the amenities of property in the vicinity simply by interfering with their views of the surrounding area.

- 7.4.3. With respect to the suggestion that the proposed development will have a detrimental impact on the residential amenity of nearby properties by reason of the increased traffic, noise, and general disturbance etc. arising from the construction works, with further concerns having been raised as regards the health and safety of young children who regularly play in the area and the need for adequate construction management measures to be put in place in order to regulate matters such as noise pollution and dust emissions, whilst I would acknowledge that the proposed development site is located alongside an established residential area and that construction activities are potentially hazardous and could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, the fact that any constructional impacts will be of an interim nature, and in view of the obligations of the developer under health and safety legislation, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.5. Traffic Implications:

- 7.5.1. Due to the geographical constraints of Rathdrum, such as the steep topography and the Avonmore River limiting development possibilities to the east, the town has historically developed in a westwards direction from the main street with the general development strategy in the last 30 years aiming to bridge the gap between the original 'Ballygannon' estate (to the southwest of the application site on the opposite side of Ballinderry Road) and the town centre. While this approach has allowed for essential housing on easily developable lands, it has also lead to increased traffic flows and congestion, particularly at Market Square and Main Street as this serves as the main access / egress route to all lands to the west of the town centre. Accordingly, I would acknowledge the legitimacy of the appellants' concerns as regards the wider traffic implications of the proposed development, particularly when taken in conjunction with existing and permitted housing in the surrounding area.

7.5.2. However, having regard to the site location on lands which have been earmarked for residential development, the limited scale of the development proposed, the planning history of the site and the surrounding area, the proposal to utilise an established access arrangement, the proximity and availability of public transport, the overall condition and planned improvements (as per the LAP) to public roads in the vicinity of the site, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposed development and that the subject proposal will not give rise to unacceptable levels of traffic congestion or serve to endanger public safety by reason of traffic hazard.

7.6. Impact on Biodiversity / Wildlife Considerations:

7.6.1. Whilst I would acknowledge the appellant's concerns as regards the impact of the proposed development on ecological considerations and the assertion that the application site supports a number of species such as red kites and bats, having conducted a site inspection, and in the absence of any clear evidence to the contrary, in my opinion, it is apparent that the lands in question previously comprised improved agricultural grassland which was subsequently disturbed during the construction of the Stewart's Hall housing scheme before being overgrown by scrubland (as evidenced from historical aerial photography available from Ordnance Survey Ireland).

7.6.2. Accordingly, although the proposed development will invariably result in the loss of some plant and animal species from within the footprint of the proposed construction, cognisance must also be taken of the fact that the subject lands have been zoned for residential development in the Rathdrum Local Area Plan, 2017-2023 and, therefore, having regard to the low ecological value of the application site, the nature and scale of the works proposed, and the implementation of best practice construction management measures, I am satisfied that the subject proposal is permissible in this instance.

7.7. Other Issues:

7.7.1. Impact on Local Services:

Concerns have been raised as regards the adequacy of a number of local services to support the proposed development, with specific reference being made to the

increased demand likely to be placed on emergency (fire) services, public transport, and local schools.

- 7.7.2. In the first instance, I am not in a position to comment on the appellants' suggestion that the wider Wicklow Fire Service is undermanned / under-resourced and I would not consider this issue to be of direct relevance to the assessment of the subject appeal. Moreover, given the limited scale of the development proposed, the site location within Rathdrum proximate to local emergency services, and as the Wicklow County Fire Service has indicated that it has no objection to the proposal, subject to conditions, I am satisfied that the proposed development can be adequately served by local fire services.
- 7.7.3. In reference to the potential increased demand for local school places / educational resources, I would draw the Board's attention to Section 3.6: '*Social and Community Development*' of the Rathdrum Local Area Plan wherein it is expressly stated that '*the Department of Education is satisfied that there is adequate capacity in both the primary and secondary schools in the town to cater for the targeted population expansion*'. Furthermore, in order to ensure that local school extensions can be facilitated if required, it should be noted that lands adjacent to Avondale Community College and Rathdrum National School have been zoned for community use whilst the objectives of 'Action Area 1' require lands to be reserved for the expansion of St. Saviour's National School, if necessary.
- 7.7.4. Finally, whilst I would acknowledge the limitations in local public transport provision, Rathdrum has been designated as a 'Level 5 – Small Growth Town' (which is capable of accommodating local indigenous growth and investment as well as providing for urban housing to serve the needs of people from across the County and region) in recognition of its location along the Dublin to Rosslare rail line. Indeed, it is expressly stated that the current rail service (comprising 3 No. morning departures northwards to Dublin before 09.00 (serving all the main towns in north Wicklow and main hubs in south Dublin) and 3 No. departures from Dublin between 16:30 and 19.00 serving the return journey) provides for a feasible train-based commute to Dublin for Rathdrum residents. This is further complemented by a limited Bus Eireann service. The Development Plan also states that possible improvements to the Wicklow rail route could assist in facilitating economic and housing activity thereby supporting the continued delivery of a strong defined settlement pattern for

the County whilst the Local Area Plan aims to provide for improved car and coach parking accessible to the train station as part of future development proposals in the town. Accordingly, in light of the site location proximate to local public transport services, I am satisfied that the proposed development is acceptable in this instance and would accord with the principles of proper planning and sustainable development.

7.7.5. Procedural Issues:

With respect to the allegation that representations were made by an elected representative on behalf of the developer in the absence of any consultation with local residents and the implications of same as regards the transparency of the planning process, at the outset, I would advise the Board that there is an obligation on the Planning Authority under Section 34(3)(b) of the Planning and Development Act, 2000, as amended, when considering an application for permission, to have regard to any written submissions or observations concerning the proposed development made to it in accordance with the permission regulations by persons or bodies other than the applicant. In this regard, consideration has also been given to all the submissions / observations received in my assessment of the subject appeal. However, it should be noted that there is no record on file of any written submission having been received from the elected representative named in the grounds of appeal although there is a Data Protection Consent Form signed by that party held on the public record. Furthermore, I would suggest that there is no obligation on an individual to consult with local residents or any other party in the context of making a submission on their own behalf (and thus there has been no misrepresentation of the views of others). Therefore, in view of the foregoing, I do not propose to comment further on this aspect of the grounds of appeal.

7.8. Appropriate Assessment:

- 7.8.1. Having regard to the nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to

have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the site on residentially zoned lands as set out in the Rathdrum Local Area Plan, 2017-2023, the pattern of development in the vicinity of the site, and the scale 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 amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, 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, 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. Water supply and 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 interest of public health.

3. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

4. Ducting shall be provided for all in-curtilage car parking spaces, to facilitate the installation of electric vehicle charging points. Details shall be submitted to, and agreed in writing with, the planning authority before making available by the developer for occupation any of the residential units in the proposed development.

Reason: To provide for and/or future proof the development in order to facilitate the use of electric vehicles.

5. 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.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7.

- a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- b) 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.

- c) The internal road network to serve the proposed development (including junctions, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.
- d) The materials used, including tactile paving, in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic, cyclist and pedestrian safety.

- 8. 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 any dwelling.

Reason: In the interests of amenity and public safety.

- 9. 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(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 and to ensure the use of locally appropriate placenames for new residential areas.

- 10. 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, 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 and, in particular recyclable materials, in the interest of protecting the environment.

11. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-

- a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
- b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, and
- c) details of all proposed boundary treatments, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interests of visual and residential amenity.

12. 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 noise management measures and off-site disposal of construction/demolition waste.

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

13. 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.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1300 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.

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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the

development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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.

Robert Speer
Planning Inspector

2nd November, 2020