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<b>Development</b>	30 houses, 36 apartments, car/bike parking, access for 48 units to Chapel Road, access for 18 units to Delgany Glen.
<b>Location</b>	Churchlands, Killincarrig, Delgany, County Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	20488
<b>Applicant(s)</b>	Townpark Estates Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	First v Conditions Third Party v Grant
<b>Appellant(s)</b>	1. Townpark Estates Ltd. 2. Karl & Estelle Davis. 3. Roisin & Phelin O'Connell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> May 2021.
<b>Inspector</b>	Hugh Mannion.

## 1.0 Site Location and Description

1.1. The application site has a stated area of 2.1ha and is located to the west of Greystones town centre, Greystones, County Wicklow. The area accessed over Chapel Road (also called Blacklion Road) and is characterised by very low-density houses on individual sites to the west of that road. To the east of Chapel Road are newer, denser housing developments. The site has two access points. To the northwest is access from Chapel Road beside St Laurence's primary school. To the south there is access from Delgany Glen which in turn accesses Kindlestown Road /R761.

## 2.0 Proposed Development

2.1. The proposed development comprises the erection of a total of 66 dwelling units comprising.

- 30 two storey three bed houses,
- 36 duplex apartment units,
- Associated site development works including landscaping, 4006m<sup>2</sup> of public open space,
- 60 car spaces for the houses,
- 65 car spaces for the apartments,
- 99 bike spaces,
- Vehicular access for 18 houses to Delgany Glen,
- Vehicular access for 48 houses and duplex units to Chapel Road,
- Waste management facilities

2.2. All at 'Churchlands', Killincarrig, Delgany, County Wicklow.

### 3.0 **Planning Authority Decision**

3.1. **Decision** - Grant with conditions.

3.2. The applicant appealed conditions as follows.

3.3. Condition 5 – the applicant shall lodge a cash security of €450,000 which the planning authority may use to provide/complete open space, roads, footpaths, storm water sewers, public lighting and other facilities.

3.4. Condition 7(a)(i) – The houses/apartments shall not be occupied until the creche is operational.

3.5. Condition 7(a)(ii) - The houses/apartments shall not be occupied until the green/pedestrian/cycle route is completed to the satisfaction of the planning authority.

3.6. Condition 14 – normally exempted development to the rear of the houses shall be de-exempted.

#### 3.7. **Planning Authority Reports**

3.7.1. Planning Reports

3.8. The planner's report recommended a grant of permission as set out in the manager's order.

3.8.1. Other Technical Reports

3.8.2. The **Roads Section** commented that.

- the access road should be as approved under PL27.249039,
- priority within the development should be to houses 19/30,
- the 'homezone arrangements' should be amended to the DMURS standards,
- the steps on the footpath at Block 1 and 2 should be engineered out,
- the footpath from block 3 should be segregated from the green route,
- hammerhead turning points should be omitted,
- all bike parking should be covered,

- disabled parking, bin storage and bike parking for Block 1 should be repositioned to the same side of road,
- the planned trees to the rear of houses 9-18 and 19-30 should be reconsidered (because they might destabilise structures when mature).

3.9. The **Department of Culture, Heritage and the Gaeltacht** recommended that a condition relating to the protection of archaeological heritage be included in any grant of permission.

#### 4.0 **Planning History**

4.1. Permission was granted under PL27.249039 for the erection of 74 (out of an application total of 132 units) and a creche in a larger site of which the current application forms part.

4.2. The element refused (basically the current application site) was refused because of the inadequacy of Chapel Road and because of proximity and elevation over adjoining development all at Churchlands, Killincarrig, Delgany, County Wicklow.

#### 5.0 **Policy and Context**

5.1. The **Regional Spatial and Economic Strategy 2019 to 2031** sets out the spatial and economic strategy adopted by the Eastern and Midland Regional Assembly which covers the counties Longford, Westmeath, Offaly, Laois, Louth, Meath, Kildare, Wicklow.

5.2. Wicklow/Rathnew is designated as a key town in the Core Region set out in table 4.2 Settlement Hierarchy in the RSES. Key towns are described as large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres. They are designed to provide for the sustainable, compact, sequential growth and urban regeneration in the town core of identified Key Towns by consolidating the built footprint through a focus on regeneration and development of identified centre, infill / brownfield sites.

### 5.3. **County Development Plan**

5.4. Wicklow Co Council Development Plan 2016 – 2022

5.5. The settlement strategy for Greystones-Delgany is to accommodate a high level of housing growth with a view to securing the target population. Table 2.4 sets out a population target for Greystones-Delgany for 2022 of 21,603, reaching 24,000 in 2028. Table 2.8 refers to the shortfall of housing units in the amount of 1,267 units. This will be addressed in the future LAP. The plan identifies infrastructural improvements which are required including in the rail and national road network to support this growth. It is an objective to prepare new plans for Greystones-Delgany and Kilcoole during the lifetime of the County Development Plan. Blacklion is defined as a level IV neighbourhood centre in Greystones. It is noted that the retail catchment of Greystones extends to Kilcoole, Newcastle and Newtownmountkenedy.

5.6. Kindlestown House is a protected structure.

### 5.7. **Greystones-Delgany and Kilcoole Local Area Plan 2013 – 2019**

5.8. The overall vision is that the area will develop in a mutually dependent and complimentary manner while each settlement shall have a distinct identity and provide for the service and social infrastructure needs of its residents and local hinterland.

AP5: Killincarrig Action Plan - an action plan is proposed for an 11.5 ha site including residential development at reasonably high densities and to include:

- a new car park at St Laurence School of at least 60 spaces
- sports and recreational facilities, which shall be available for use by the general public
- provision of green routes across the site
- protection of mature Scots pine
- access to a limited number of units by way of Delgany Glen and access to remainder to be from the Delgany – Blacklion Road with a new junction at St Laurence’s school.

5.9. A number of roads objectives relate to the immediate vicinity of the site.

## 5.10. Natural Heritage Designations

Not relevant.

## 5.11. EIA Screening

5.12. The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the site as one zoned for residential development, the availability of public sewerage and water supply, the absence of features of ecological importance within the site, the nature of the adjoining landuses as housing/educational uses and public roads I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

### 6.2. Applicants Appeal.

- Condition 5 should be amended to allow some flexibility in this condition such as a combination of cash deposit, cheque, or insurance bond.
- Condition 7(a)(i) should be amended to require construction of the creche to be completed rather than occupied since the applicant must find an end user and has no control of the timeline of its opening. Demand for childcare places will follow on the sale of the residential elements of the proposed development.
- Condition 7(a)(ii) in relation to the green route completion should be amended to allow the applicant some flexibility in the event of unforeseen changes that allow additional detail to be agreed with the planning authority.
- Condition 14 is overly restrictive in relation to exempted development options which would normally be available to new house owners. The houses would provide the 60m<sup>2</sup> of rear gardens required by Wicklow County Council

development plan residential standards even if the optional extensions were added. This condition should be removed.

### 6.3. Third Party Appeal.

- The site is elevated above and too close to property on Cherry Glade (especially numbers 23, 24 and 25) and will seriously negatively impact on adjoining property.
- The excavations required by the application may damage adjoining property, boundary fence and give rise to surface water run-off.
- Proposed house B1 is 2.3m from the appellants house - not 22.3m as stated in the lodged plans.
- The proposed development will give rise to unacceptable traffic levels on the adjoining road network.
- The proposed density is excessive.
- Existing surface water drainage problems in the area will be exacerbated.

### 6.4. Applicant Response

- The concerns of the residents on Cherry Glade were addressed at further information stage. Two storey houses were replaced with one bungalow and a bike shed was removed to elsewhere on the site. The amended separation distance is now 5m and the amended house is 5.2m at roof ridge height. This is provided for in the amended site layout whereas the appeals refer to the original/superseded layout.
- The existing boundary between the application site and Cherry Glade is a 2m high timber fence.
- There is a separation distance of in excess of 15m between proposed houses and the houses on Cherry Glade.
- The difference in elevation between the appellants' houses on Cherry Glade and the proposed houses is about 1.2m. Having regard to the separation distances this will not negatively impact on the appellants' property.

- The proposed density is 36 units/ha which is within the density range recommended in Sustainable Residential Development In Urban Areas Guidelines.
- The application was accompanied by a Traffic and Transport Assessment (TTA). The proposed development does not provide a through road link between Delgany Glen and Chapel Road. 17 units will have access to Delgany Glen while 48 will access Chapel Road. There will be no negative traffic impact on the local road network.
- Neither the planning authority nor the Board in its previous decision in relation to the application site identified any local surface water drainage problems. The developer will submit a CMP which will ensure that the construction phase will not give rise to surface water outflows from the application site. The infrastructure design report submitted with the application demonstrates that the operational phase will not give rise to surface water runoff.
- The drawings submitted with the application accurately illustrate the levels on site relative to adjoining lands. The CMP will detail the excavation works and soil removal where this is necessitated by the proposed development.

#### **6.5. Planning Authority Response**

- No response

#### **6.6. Observations**

- None

#### **6.7. Further Responses**

6.8. The third parties commented on the applicant's response to the appeals as follows.

- The current application has not had regard to the requirement in PL27.249039 that all staircase/landing/WC windows be fitted with opaque glass.
- The details of the boundaries of the application site with the houses on Cherry Glade remain inaccurate.



- The traffic impact assessment is incorrect, and regard has not been had to the Board's decision in PL27.249039.
- There is a risk of surface water flooding in the area and mud slides. Photos submitted demonstrate flooding.
- The area to the rear of houses in Cherry Glade is being used as an all-purpose dump.
- When buying their house, the appellants understood that the application site was zoned for low density housing.
- The screening between Cherry Glade and the application site is much less effective that stated by the applicant. The new houses will overlook adjoining houses on Cherry Glade.

## 7.0 **Assessment**

7.1. This assessment will consider the matters raised in the applicant's appeal against conditions, density, traffic impacts, overlooking adjoining property, surface water drainage.

### 7.2. **Condition 5.**

7.3. The applicant makes the point that the requirement to provide a cash deposit of €450,000 is onerous and overly prescriptive. I consider that the objective of such 'bond conditions' is to ensure that funds are available to the planning authority to complete services required for the occupation of houses within the development where developers are unwilling/unable to complete the services/infrastructure themselves. Therefor a balance must be struck between overly onerous requirements on developers and allowing planning authorities to access funds in the event of developers not completing the development. In the present case I am satisfied that any one or a combination of cash, a bond of an insurance company, or other security to secure the completion of the development could be agreed between the applicant and planning authority and I attach condition number 25 in the draft order below.

**7.4. Condition 7(a)(i).**

7.5. The applicant makes the case in relation to appealed condition 7(a)(i) that the applicant cannot ensure that the creche facility would be operational before occupation of the permitted residential units since the crèche would be an independent commercial concern. I agree with this point and I recommend that condition 2 as set out in the draft order addresses the necessity to ensure the provision of cheche facilities to serve the development.

**7.6. Condition 7(a)(ii).**

7.7. This condition requires the completion of the green route before any of the houses or apartments are occupied. The applicant requests that some flexibility should be available to accommodate unforeseen circumstances that might delay the completion of the green route. I consider that there should be a balance between the necessity to provide the green route and the pace of building out the development. I recommend condition 4 in the draft order below addressing the matter.

**7.8. Condition 14.**

7.9. Condition 14 de-exempted domestic scale development to the rear of the houses which would normally be exempt by virtue Classes 1 or 3 of Part 1 of the Planning Regulations. The Board's decision in PL27.249039 de-exempted rear extensions as provided for in Classes 1 and 3 and the reason for doing so was given as aiming to ensure that a reasonable amount of private open space remained when the optional rear extensions had been constructed. These exemptions may be summarised as domestic extensions to the rear of houses which do not exceed 40m<sup>2</sup> in floor area, in the case of terraced or semidetached houses the floor area of a first floor extension should not exceed 12m<sup>2</sup>, in the case of a detached houses the first floor area should not exceed 20m<sup>2</sup>, first floor extensions must be at least 2m from the site boundaries and heights must be determined relative to existing heights on the main dwelling.

7.10. The applicant's appeal makes the point that even if the optional rear extensions were constructed that the smallest rear garden proposed after the optional extension would be 65m<sup>2</sup>.

7.11. The County Development Plan (appendix 1 – Development Standards) make the point that 1 and 2 bed houses should have 50m<sup>2</sup> of private while 3 and more bed houses should have 60-70m<sup>2</sup> private open space.

7.12. All the proposed houses (with the exception of unit number 1 – a bungalow) have optional rear extensions. Having regard to the length of the rear garden (11m) which would remain after construction of the optional extensions I agree with the applicant that the flexibility provided for in the exempted development regulations should not be removed in this instance. Where the conditions for exemption set out in Classes 1 and 3 are not met on a particular site permission would have to be applied for. I recommend omitting this condition and do not repeat it in the draft order below.

**7.13. Density**

7.14. The appeals make the point that the proposed density is excessive.

7.15. The proposed density is 36 units/ha in a 2.1 ha site. The Sustainable Residential Development in Urban Areas recommends a density of between 35 – 50 houses per ha in outer suburban/greenfield sites. The County Development Plan (4.3.4) includes an objective to encourage higher residential density in appropriate locations. Generally higher residential density is favoured on zoned and serviced land to facilitate the provision of public services and facilities, including schools and childcare, the more economic provision of public transport and public piped services such as water and sewerage. There are no special circumstances in the present case which would require a derogation from the standards set out in national and local policy and the requirement to make appropriate use of zoned and serviced lands. I conclude that the proposed density is acceptable.

**7.16. Housing Quality**

7.17. The houses are generally two storey semi-detached and three storey terraces. The houses meet the quality standards set out in the County Development Plan and the provision of parking spaces, bike parking and public open space is acceptable. The layout is well integrated with the adjoining development permitted under PL27.249039 and with other residential development and has good walkable access to the local national school.

7.18. The duplex units meet the standards set out in the Sustainable Urban Housing Design Standards for New Apartments (December 2020) and provide an appropriate level of amenity for future residents.

**7.19. Traffic Safety.**

7.20. The appeal makes the case that the proposed development will give rise to additional traffic on the local road network and endanger public safety by reason of traffic hazard. The planning authority's roads department reported on the application and apart from commentary in relation to the internal road layout and some design details had no objection to the proposed development on grounds of traffic or adequacy of the local road network.

7.21. In the Board's decision under PL27.249039 permission was refused for the development of 55 residential units on this site pending the upgrade of Chapel Road as provided for in the Greystones/Delgany LAP. The works to Chapel Road have now been completed, there is no through road proposed in the application and vehicular access for 17 houses is proposed through to Delgany Glen to the south while vehicular access for 48 houses and duplex units is proposed through Chapel Road. I note the amendments required by the planning authority's roads section in relation to the improvements in circulation within the site, that these amendments were incorporated into the scheme by way of the submission of further information and I agree that these amendments have improved the scheme.

7.22. Having regard to the road improvement works that have been carried out and the split in vehicular access between Chapel Road and Delgany Glen I conclude that the objectives for the area set out in the Greystones Delgany LAP can be achieved and the prematurity of development referenced in the Board's previous decision has been overcome so that the proposed development will not materially impact on traffic loading in the area in a manner as to give rise to traffic congestion or traffic hazard.

**7.23. Residential Amenity on Adjoining Lands.**

7.24. The appeal makes the point that the proposed houses on the southern end of the site are unreasonably close to and will overlook houses on Cherry Glade. This matter was addressed in the Board's direction in PL27.249039 which stated that a redesign of the housing layout and house type within the proposed development would be necessary to protect the amenity of houses on Cherry Glade. The planning authority raised this same matter at point 4 of the request for further information and sought assurances that the proposed development would not, because of building height, proximity to the site boundary or elevation over the adjoining area, have an

overbearing impact when viewed from Cherry Glade. To this end proposed houses 1 and 2 should be replaced with a single bungalow a minimum of 5m off the boundary with houses on Cherry Glade.

- 7.25. The applicant responded (see response to further information lodged 28<sup>th</sup> October 2020) that the revisions replace the previously proposed two 2 storey houses in the southern most corner of the application and on the boundary with Cherry Glade with one bungalow which is 5m off the boundary at its closest point and that the elevation difference between the closest house on Cherry Glade and the FFL of the proposed bungalow is about 1.2m.
- 7.26. This is the house referred to as B1 (changed to C1) in the appeal and having regard to the separation distance off the boundary (5m), single storey design and depth of rear garden I conclude that the amendments are acceptable in terms of impact on property in Cherry Glade.
- 7.27. The appeal makes and related point that the proposed development will require excavations which may damage the existing boundary and give rise to surface water runoff.
- 7.28. The application provides a section through the site showing the relationship of houses 1 to 7 (house types C1 and B2, B3 and B5) and the closest house on Cherry Glade. The gradient illustrated on the application drawing is not excessive. The management of surface water runoff has been the subject of a condition (condition 20) requiring agreement with the planning authority to surface water management and the applicant was also required to submit a construction phase management plan (condition 23) in PL27.249039. The current application included a infrastructure report (DBFL Consulting Engineers) which makes the point that where possible permeable paving within sites (for example car parking spaces) will allow for surface water infiltration and where such infiltration is not possible (for example roofs and roads) the surface water will be attenuated within the site and discharged at a controlled rate to the existing surface water drainage system on adjoining developed lands in Delgany Glen. The planning authority did not object to these arrangements.
- 7.29. Having regard to the material submitted with the application and appeal I conclude that subject to the conditions set out in the draft order below that the proposed

development will not give rise to surface water run off to adjoining lands or damage to boundary treatments.

**7.30. Appropriate Assessment.**

7.31. The application included an AA screening report (see McCutcheon Halley report). The report identifies 4 European Sites within 5kms of the application site. Other sites are screened out at a preliminary stage for lack of hydrological pathway, no other ecological connectivity and separation distances. The sites considered in the stage 1 report are;

- Glen of the Downs SAC 000719
- Bray Head SAC 000174
- Murrough Wetlands SAC 002249
- Murrough Wetlands SPA 004186.

7.32. The qualifying interest of the Glen of the Downs SAC 000719 is Old sessile oak woods with Ilex and Blechnum in the British Isles and the conservation objective is to maintain or restore the favourable conservation status of habitats and species of community interest. The screening report states that the application site is about 1.6kms from the SAC with extensive housing development intervening between the application site and the SAC. There are no hydrological or ecological connections between the application site and the SAC and it is possible to conclude that the proposed development is not likely to have a significant effect on the Glen of the Downs SAC 000719.

7.33. The qualifying interests of the Bray Head SAC 000174 are vegetated sea cliffs of the Atlantic and Baltic coasts and European dry heaths. The conservation objective is to maintain or restore the favourable conservation status of habitats and species of community interest. The screening report states that the SAC is about 2.5kms northeast of the application site and that there are no hydrological connection between the application site and the SAC and that it is possible to conclude that the

proposed development is not likely to have a significant effect on the Bray Head SAC 000174.

- 7.34. The qualifying interests of the Murrough Wetlands SAC 002249 are Annual vegetation of drift lines, Perennial vegetation of stony banks, Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), Mediterranean salt meadows (*Juncetalia maritimi*) and Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* and Alkaline fens. The conservation objective is the maintenance of habitats and species within Natura 2000 sites at favourable conservation condition that will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. The screening report states that there are no hydrological or other pathways linking the application site with the SAC and that it is possible to conclude that the proposed development is not likely to have a significant effect on the Murrough Wetlands SAC 002249.
- 7.35. The qualifying interests of the Murrough Wetlands SPA 004186 are the red throated diver, greylag goose, light-bellied brent goose, wigeon, teal, black headed gull, herring gull and little tern. The SPA also includes the wetland habitat in the SPA as a qualifying interest because of its importance as a resource for the regularly occurring migratory waterbirds that utilise it. The conservation objective is the maintenance of habitats and species within Natura 2000 sites at favourable conservation condition which will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. The report states that there are no hydrological pathways linking the application site to the SPA and having regard to the nature of the application site and the adjoining built up areas that the site does not provide a supporting habitat for the SPA and that it is possible to conclude that the proposed development is not likely to have a significant effect on the Murrough Wetlands SPA 004186.
- 7.36. I have carried out a site inspection, considered the material published by the NPWS including the qualifying interests and conservation objectives of the European sites discussed above, the material submitted with the application and appeal including the applicant's screening report. Therefore having regard to the location of the application site in an area zoned for housing development, the availability of public water and sewerage services, the nature of the likely emissions from the proposed development, and the distance between the application site and any European site

and the absence of hydrological connections to the relevant European sites it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Glen of the Downs SAC 000719, the Bray Head SAC 000174, the Murrough Wetlands SAC 002249, the Murrough Wetlands SPA 004186 or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.0 Recommendation

8.1. I recommend a grant of permission.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Wicklow County Development Plan 2016-2022 and the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, to the planning history of the site and to the pattern of development in the area, 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of October 2020, except as may otherwise be required in order to comply with the following conditions.</p> <p>Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility.</p> <p><b>Reason:</b> To ensure that childcare facilities are provided in association with residential units, in the interests of residential amenity.</p>
3.	<p>Prior to commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit) pursuant to section 47 of the Planning and Development Act 2000, that restricts all houses or duplex units permitted to first occupation by individual purchasers i.e. those not being a corporate entity and/or by those eligible for occupation of special and/or affordable housing, including cost rental housing.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
4.	<p>Prior to commencement of development the developer shall submit and agree with the planning authority a plan for the green route (pedestrian and cycle route), including design, construction materials and a time scale for construction. In default of agreement the matter may be referred to the Board for determination.</p> <p><b>Reason:</b> To ensure that the green route is provided in association with residential units, in the interests of residential amenity.</p>
5.	<p>The internal road network and access serving the proposed development, including turning bays, junctions, sight distances, parking areas, footpaths, cycle tracks and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.</p> <p><b>Reason:</b> In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.</p>

6.	<p>All rear gardens shall be bounded with concrete block walls, which shall be a minimum of 1.8 metres high, and shall be suitably capped and rendered on both sides, except where bounding public open spaces or roads, when the walls shall be 2 metres in height. Post and timber fencing shall not be used for any rear garden boundaries.</p> <p><b>Reason:</b> In the interest of visual amenity, and in order to ensure the provision of durable boundary treatment in the interest of residential amenity.</p>
7.	<p>With the exception of the optional rear extensions shown on submitted drawings, development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.</p> <p><b>Reason:</b> In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed houses.</p>
8.	<p>The developer shall implement all the recommendations pertaining to tree retention as outlined in the Arboricultural Assessment. Within six months of the date of this decision, an Arborist shall be retained by the developer for the duration of the construction and shall commence a program for implementation of the recommendations contained in the submitted report, including tree felling, surgery and remedial works. Such works shall be commenced as soon as possible and shall be completed within one year of the completion of development works. The Arborist shall carry out a post construction tree survey/assessment on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all works are completed and in line with the submitted original tree report and landscape drawings.</p> <p><b>Reason:</b> To address the requirement for urgent tree surgery and to protect the sylvan character of the site, which contains protected trees</p>
9.	<p>The developer shall employ a qualified Landscape Architect, who shall supervise all works relating to the active and passive open space works on the overall site. Such works shall be carried out in strict accordance with the</p>

	<p>conditions of this permission, and, in particular, the landscape scheme accompanying the planning application shall be implemented in full in the first planting season following completion of the development authorised by this permission. Any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.</p> <p><b>Reason:</b> In the interests of amenity and sustainable development.</p>
10.	<p>The areas of open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority, and under the direction of the developer's Landscape Architect. This work shall be completed before any of the dwellings hereby permitted are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
11.	<p>The development hereby permitted shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.</p> <p><b>Reason:</b> In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.</p>
12.	<p>Prior to commencement of development, a detailed specification for the boundary treatment to the south and south-east of the development site</p>

	<p>shall be submitted to, and agreed in writing with, the planning authority.</p> <p>Where required by the planning authority, retaining walls shall be installed and any existing retaining walls shall be inspected and reinforced.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
13.	<p>Prior to the commencement of development, the developer shall engage the services of a bat expert to undertake a survey of the site and to make recommendations regarding public lighting and to liaise with the Arborist regarding tree protection.</p> <p><b>Reason:</b> In the interest of protection of bats.</p>
14.	<p>Prior to the commencement of any development, the developer shall engage an ecologist to survey the site for badgers and to make recommendations regarding the protection of this species, if present, and their re-location if necessary, in accordance with any requirements set out by National Parks and Wildlife Service. The developer shall comply with these requirements.</p> <p><b>Reason:</b> In the interest of protection of badgers.</p>
15.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(i) 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, and</p> <p>(ii) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment, which shall have regard to the documentation submitted to An Bord Pleanála on the 22<sup>nd</sup> day of August 2017, shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p>

	<p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including, if necessary, archaeological excavation prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
16.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house and shall incorporate the recommendations of the bat report.</p> <p><b>Reason:</b> In the interest of amenity and public safety</p>
17.	<p>Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>

18.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overhead cables crossing or bounding the site shall be undergrounded, at the developer's expense, as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual and residential am</p>
19.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a proper standard of development.</p>
20.	<p>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. Roof colour shall be blue-black or slate grey only (including ridge tiles).</p> <p><b>Reason:</b> In the interest of visual amenity, and to ensure that the proposed development integrates into the pattern of development in the area.</p>
21.	<p>Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
22.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction</p>

	<p>practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interest of amenities and of public safety.</p>
23.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
24.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
25.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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</p>

	<p>or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance by the developer of the development until taken in charge.</p>
26.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Hugh Mannion  
Senior Planning Inspector  
12<sup>th</sup> July 2021.