



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309880-21

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<b>Development</b>	Construction of 20 no. dwellings, new vehicular entrance to public road and all associated site works
<b>Location</b>	Church View Estate, Nurney, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	20479
<b>Applicant(s)</b>	Joe Higganbotham
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Joe Higganbottom
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> of June 2021
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site is located in village called Nurney, Co. Kildare. It is a small village with a population of 456No. persons( 2016 Census) consisting of a public house, church, primary school and a shop. There a number of small housing estates in the village particularly in the vicinity of the subject site.
- 1.2. The site (1.88ha) is accessed off Castle Gate Road which serves a number of small cul de sacs, namely Church View and Cois Caislean. There is a narrow strip of land off Castle Gate Road, opening out into a larger field to the rear of Church View estate. The land is level across the site.
- 1.3. The norther site boundary is a hedgerow and a stream. There are very mature trees along the western site boundary and the site falls slightly in that general direction. Currently the site is used for grazing horses. The southern site boundary mainly consists of Church View, these a single storey mature dwellings backing onto and running perpendicular to the site. The new service road into the proposed development will run to the rear of a number of the Church View Dwellings.
- 1.4. There is a Recorded Monument (Castle in Ruins) to the northwest of the site located circa 50metres form the site.

## 2.0 Proposed Development

- 2.1. The proposed development is for 20No. dwellings:-
  - 6No. three bedroom semi-detached dwellings;
  - 14No. four bedroom detached dwellings with associated carparking, open space, landscaping, footpaths and a new vehicular entrance.
  - The dwellings are predominantly two storey units, with two bungalows (Unit No. s 15 & 16).
  - The proposed vehicular access is along the southern site boundary and includes a pedestrian access.
  - The spine road serving the proposed estate is designed in a meandering manner.

As part of the further information, the scheme was revised from 20 No. units to 15, with a different layout proposed with the majority of dwellings fronting onto a central area of public open space.

2.2 As per the further information received on the 5<sup>th</sup> of February 2021, the scheme was revised to 15 No. dwellings only on an entirely revised site layout, with only four bedroom detached dwellings and a small number of three bedroom detached units. According to the appeal file, the revised scheme is in line with the capacity of the Nurney Wastewater Treatment Plant.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Kildare County Council refused planning permission for the proposed development on 11<sup>th</sup> of March 2021 for one reason.

*The applicant has not demonstrated how effluent generated by the proposed development will be safely and adequately treated and disposed of without an impact on drinking water or water quality generally. The existing Wastewater Treatment Plant serving the area does not have the capacity to accommodate the proposed development. Therefore to permit the development would be prejudicial to public health and would therefore be contrary to the proper planning and sustainable development of the area.*

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

A summary of the main points raised in the assessment is as follows:

- The density is 10 dwellings/ hectare. The site is identified for future expansion of Nurney and within a residential area. The density is considered to be acceptable in terms of Table 4.2 of the County Development Plan.
- A social infrastructure survey is required
- Archaeological report is acceptable

- Permeability throughout the site is poor
- The scheme is considered to be suburban. The houses should be more traditional looking, and the houses should face the open space area. Overall the design and layout of the scheme was considered to be substandard.
- Boundary fencing requires more consideration

### 3.2.2. **Other Technical Reports**

- **Water Services:** Further Information is required in terms of flood risk potential relating to the site with reference to the stream along the northern site boundary. Attenuation design in line with SUDS. Pipework to be 150mm is diameter. There is a wayleave agreement required regarding foul sewer.
- **Heritage Officer:** An archaeological report was submitted with the planning application. No objection to the proposal, there are archaeological conditions recommended.
- **Athy Municipal Office:** The drawings indicate the footpath incorrectly, footpaths must be provided, detailed road construction drawings. Autotrack required. Public lighting.
- **Chief Fire Officer:** *No objections*
- **Roads Design:** Detailed further information required regarding the condition of the road, surveys of Castle Gate Road, cross sections, footpaths to the village from the site entrance, revised internal footpaths, turning circle, sightlines in accordance with DMURS, Road Safety Assessments, electric car charge points at each dwelling, street lighting system.

### 3.3. **Prescribed Bodies**

#### **Irish Water**

Wayleave Agreement is required as foul sewer traverses lands adjacent to the subject site.

### 3.4. **Third Party Observations**

There were third party objections to the proposed development mainly from residents of adjoining properties. Their concerns can be summarised collectively as follows:

- Sewerage pipes are running through third party properties
- There should be speed ramps on the cul de sac as it serves 79No. dwellings and now another 20No. houses.
- Privacy

## 4.0 **Planning History**

### 4.1 ***Planning Reference 07/338***

Planning permission was refused for a residential development of 32No. dwellings for 5No. reasons:

1. Scale, nature and extent of development on an elevated backyard site close to the national monument and protected structure it would seriously injure the amenity by visual impact.
2. The development is suburban in scale
3. Traffic
4. Premature pending the preparation of a village design statement
5. Undesirable density

### 2. ***Planning Reference 06/0785***

Permission refused for 16No. dwellings for similar reasons to reference 07/338

### 3. ***Planning Reference 05/2788***

Permission refused for 32No. dwellings.

## 5.0 Policy Context

### 5.1. Development Plan

**Volume 2** of the Kildare County Development Plan outlines policies for Rural Villages and Rural Settlement.

Nurney is designated as a 'Settlement'. The site is zoned Settlement Expansion -**SE 3**. Rural Settlements will be allowed develop as local centres with growth appropriate to cater for local demand.

#### **Section. 2.4 Village Plans and Rural Settlement Policies**

**Nurney** Development proposals for lands located within 100m of the river flowing through Nurney shall be the subject of a site-specific Flood Risk Assessment appropriate to the type and scale of the development being proposed.

### 5.2 National Planning Policy

The following are relevant to this appeal:

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

- **National Policy Objective 33** seeks to '*Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location*'.
- **National Policy Objective 35** seeks to '*Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.

*Design Manual for Urban Roads and Streets (DMURS).*

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

*Quality Housing for Sustainable Communities* (DoEHLG, 2007).

*Permeability Best Practice Guide* (NTA, 2015)

## 5.2. Natural Heritage Designations

The closest area of natural heritage designation is the Natura 2000 site is : ,

SITE CODE : 002162

SITE\_NAME                      River Barrow And River Nore SAC

Which is a considerable distance to the south Nurney village.

Two other sites within the 15km range are Mouds Bog SAC (Site Code 000395), and Pollardstown Fen SAC (Site Code 00396).

## 5.3. EIA Screening

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any 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

The proposal has been refused based on the view the existing wastewater treatment plant to the east side of the site does not have the capacity to accommodate the proposed development.

The applicant received a letter from Irish Water dated 30<sup>th</sup> of October 2019 stating the proposal can be facilitated. Furthermore the applicant was never told by the planning officer at pre-planning meeting that there was an issue with the capacity of

the wastewater treatment system. The issue was not raised in the detailed further information request by the planning authority.

Irish Water confirmed following the decision to refuse, there is capacity for 15No. dwellings., Appendix C.

6.2 The remainder of the appeal submission re-iterates the points raised in the further information which are not relevant to the grounds of the appeal, I do not see the point of summarizing the content.

### 6.3 **Planning Authority's Response**

- The Irish Water Capacities Table of April 2020 states Nurney WWTP has a capacity of 20PE = 7No. dwellings. Irish Water has confirmed verbally the plant is currently at capacity.
- There is an increase of 100 PE required in order to allow developments to go ahead in the village as the current WWTP has a 500PE.
- The letter received from Irish Water is generic.
- The issue of the wayleave is between the landowner( Kildare Co. Co.) and Irish Water. The applicant did not respond to the issue in a satisfactory manner.
- There was no communication from Irish Water or the Water Services Engineer regarding the email submitted on appeal.
- The Board is asked to uphold the refusal.

## 7.0 **Assessment**

The main issues are those raised in the grounds of appeal and the planning file. I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be assessed on appeal under the following headings:

- Development Plan
- Design and Layout
- Impact on Adjacent Residential Amenity



- Other Issues
- Appropriate Assessment

## 7.1 Development Plan

Under the provisions of the current Kildare County Development Plan 2017-2020 the subject site which is located in a designated Rural Settlement (Volume 2) , and the site is zoned for **Settlement Expansion**. The subject site is also located within residential area of Nurney, to the rear of an existing housing estate (Castle View estate). A residential land use is acceptable in principle. The subject site is a backland site, therefore the proposed landuse is in keeping with the prevailing land use in the immediate area and the zoning objectives of the development plan.

The proposed development supports residential consolidation and use of available infrastructure. The site has been earmarked in the development plan as Settlement Expansion, therefore the land was targeted by the planning authority for residential use in 2017 and has remained undeveloped to date. In my opinion, the residential development of the site should be encouraged by the Board and considered favourably.

The principle of the proposed development is in keeping with ***The National Planning Framework*** , Chapter, No. 6 - '*People Homes and Communities*' which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following objective is key to this development: **National Policy Objective 33** seeks to '*Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location*'. The site supports urban consolidation with an appropriate density delivering a sustainable form of development.

The proposed density provides for only 10units per hectare. In the scheme presented in the further information, there are only 15No. detached four bedroom dwellings, which will cater for families. These houses may provide a step up for local residents from the village of Nurney. The proposed density is low for a built up area, however it is been determine by the capacity of the wastewater treatment plant (which is limited to 15No. dwellings). Given that Irish Water has stated there is

limited capacity in the wastewater treatment system for new dwellings, the proposed density is considered appropriate to the current infrastructure capacity in the village, and this infrastructural constraint should override the underlying objectives of the National Planning Framework for higher densities in built areas.

## 7.2 **Design and Layout**

In the original planning application submitted there were 20No. dwellings proposed in the form of mixed three and four bed detached and semi-detached dwellings., which would back onto existing residential properties along the southern site boundary (Church View). There was a high volume of objections to the proposal from third parties and the scheme was revised by way of further information to 15No. dwellings. The revised scheme submitted to the planning authority on the 5<sup>th</sup> of February 2021 and it creates no housing mix relying on detached four and a small percentage of three bedroom detached dwellings only.

The revised layout submitted by way of further information creates a large public open space area, that also serves the purpose of creating a large separation distance between the proposed dwellings and the stream flowing along the northern site boundary (Tully Stream). In my opinion, the overall design of the scheme is bland and uninspiring. I do believe there are a number of design constraints which determined the lack of imagination with the layout, which include:

- The site has very limited road frontage with only a 23metre opening onto Castle Gate Road that will form the access to the scheme.
- The site is mainly a backland site
- There is a stream along the northern site boundary
- There is limited capacity in the public sewer to cater for a higher density.

The Design Statement accompanying the further information is noted and is of little merit or substance, as it states the design of the scheme has been influenced by a permitted scheme in Rathcoffey, Co. Kildare, and the report fails to mention the name of the village Nurney and the statement bears no relevance to the site context, location and existing neighbourhood character. Having examined the site and the drawings, I consider the proposed layout provides a safe, comfortable and functional living environment for future residents. The rear garden areas associated with the

entire development will be afforded south facing sun. There is adequate carparking proposed to cater for the entire development. On balance, although the scheme lacks design, it will blend into the existing built environment as it is non-invasive or non-obtrusive.

### **7.3 Impact on Adjacent Residential Amenities**

The impact on existing residential amenities associated with Church View to the south and east of the proposed development will be minimal. There are only 3-4 dwellings with opposing windows with Church View and there have significant separation distances. There will be no undue loss of privacy associated with the proposal.

Given the southern orientation, the low roof profile of the proposed dwellings and separating distances from existing residential properties, there will be negligible loss of light associated with existing properties as a result of the proposed development.

### **7.4 Archaeology**

There are ruins of a castle in the adjoining field to the northwest of the site. This is the site of Nurney Castle. It appears to be an eighteenth century structure from O.S. maps. An archaeological report was submitted with the planning application. There are archaeological conditions recommended which should be imposed by the Board.

### **7.5 Wastewater Treatment**

The entire development was refused for one reason only by Kildare Co. Co. :

*The applicant has not demonstrated how effluent generated by the proposed development will be safely and adequately treated and disposed of without an impact on drinking water or water quality generally. The existing Wastewater Treatment Plant serving the area does not have the capacity to accommodate the proposed development. Therefore to permit the development would be prejudicial to public health and would therefore be contrary to the proper planning and sustainable development of the area.*

Irish Water had no objection to the proposed development in its pre-planning letter dated 30th of October 2019 (which according to the planning authority's response to

the appeal is a generic response). During the assessment of the case, Irish Water requested the following items of additional information (12<sup>th</sup> of May 2020):-

- Is there a wayleave agreement regarding the traversing of the foul sewer serving the development on adjoining lands;
- If a wayleave agreement cannot be provided, a revised design of the foul sewer is required with a self cleansing velocity of no less than 0.75m/s.

Kildare Co. Co. Water Services Section recommended a refusal of the proposal (17/02/2021) because the wastewater treatment system did not have the capacity for additional connections to the system. In addition, the wayleave agreement with Kildare Co. Co. has not been submitted. The applicant was requested to deal with the outstanding issues by way of further information on the 10<sup>th</sup> of July 2020, however the issue of the wayleave was left outstanding, as it merely stated the lands were owned by Kildare Co. Co. This issue would require agreements between Kildare Co. Co. and Irish water, which is beyond the remit of this appeal.

Following on from the refusal of planning permission, the applicants grounds of appeal relies on a letter from Irish Water predating the planning application (30<sup>th</sup> of October 2019) and an email from Irish Water dated 26<sup>th</sup> of March 2021 which confirms that the connection of 15No. dwellings is feasible at this time and after the connection of the 15No. dwellings, the treatment plant will be at full load, with the exception of 1 or 2 one off houses.

Having regard to the technical content of the email and the advise forwarded by Irish Water, I consider the Board cannot uphold the planning authority's single reason for refusal. Irish water the responsible body has stated in writing 15No. dwelling can be accommodated within the WWTP>.The wayleave issue is a matter to be resolved between the parties.

## **7.5 Other Issues**

- The sightlines and access to the proposed development are acceptable in terms of sightlines. The proposed development was the subject of a detailed

assessment by the Roads Design team of the planning authority. The planning application documents were seriously deficient in basic technical data requiring the Roads Design section to practically prescribe in detail what was required by make the scheme comply with basic technical and DMURS standards. The applicant should be levied to pay towards the necessary upgrade works to Castle Gate Road to facilitate the development in terms of footpaths and structural improvements.

- The footpaths and kerbing need to be agreed with the planning authority.
- Electric car charging points are proposed and can be conditioned.
- The attenuation tank on the site has been relocated away from Tully River and positioned on higher ground. The carpark areas include permeable paving, to reduce the overall load and increase SUDs element.
- The boundary treatment proposals are acceptable, however the northern boundary along the Tully River needs .to be agreed with the planning authority.

## **7.5 Appropriate Assessment**

The site is located alongside the Tully Stream which flows into the Boherbaun River, a tributary of the River Barrow which is a designated part of the River Barrow and River Suir SAC (Site Code 002162) (within 15km of site).

There are two other sites within the 15km range are Mouds Bog SAC (Site Code 000395), and Pollardstown Fen SAC (Site Code 00396) but these are located to the north of Nurney at the outer edge of the 15Km zone with no hydrological line to the site..

Elements of the proposed development that could give rise to an impact on the nearby Natura 2000 site are:

- Inadequate wastewater treatment, (there is capacity for 15No. dwellings at the Nurney WWTP)
- Discharge of untreated surface water to the watercourses (A Class 1 interceptor will be installed prior to discharge to Tully Stream)

- Flooding (A Flood Risk Assessment has been carried out, and there is no threat of flooding identified)
- Construction – (A preliminary plan has been carried out)
- Discharge of uncontrolled water. (there are attenuation proposals with an hydrobrake)

There are no direct, indirect or cumulative impacts to be identified, and there are no instream works proposed for Tully stream. No impacts have been identified and there is connection to public water mains, public sewer and installation of surface water and storm water management, which are standard procedures with residential developments.

No appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **7.0 Recommendation**

- 7.1. The planning authority's decision to refuse should be overturned by the Board. The proposed development is modest in scale located with a settlement on appropriately zoned serviced lands adjoining an existing residential development.

## **8.0 Reasons and Considerations**

Having regard to the provisions of the Kildare County Development Plan 2017 and the zoning of the site for residential purposes, to the location of the site in an designated rural settlement and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10. Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 12<sup>th</sup> of May 2020, as amended by the further plans and particulars submitted on 5<sup>th</sup> of February 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) The permission is for 15No. dwelling houses as per Drawing No.4740-FIR-01` submitted to the planning authority on 5<sup>TH</sup> of February 2021.</p> <p>(b) Prior to the commencement of the development the developer shall submit to and agree with the planning authority in writing the boundary treatment along the full length of the northern site boundary (alongside Tully Stream)</p> <p><b>Reason:</b> In the interests of residential amenity and clarity.</p>
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.</p> <p><b>Reason:</b> In the interests of visual amenity</p>

4.	<p>a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>b) A Stage 3 Road Safety Audit in relation to all road works including the junction with the public road, shall be prepared and submitted for the written agreement of the Planning Authority prior to the commencement of development. Any necessary revisions to comply with the Stage 2 recommendations and/ or additions shall be agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<p>Footpaths shall be dished at road junctions in accordance with the requirements of the Planning Authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason :</b> In the interest of pedestrian safety</p>
6.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety</p>
7.	<p>a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p>



	<p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
8.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
9.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Full details of all surface water disposal, surface water management and all necessary legal entitlements to carry out works to adequately service the proposed development shall be agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health</p>
11.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate shall be signed off by the Landscape Consultant when all works are</p>

	<p>completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the planning authority for written agreement upon completion of works.</p> <p><b>Reason:</b> In the interest of amenity.</p>
12.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works,</p> <p>(c) shall carry out licenced metal detection surveys (including the field boundaries to be removed), develop an archaeological and artefact strategy on the basis of the results and in consultation with the Department of Culture, Heritage and the Gaeltacht and the National Museum of Ireland, agree protective measures in advance of site preparation and construction works to ensure the preservation/ protection of archaeological features (burnt mound material) and archaeological monitoring of topsoil stripping (licenced under the National Monuments Acts 1930 to present), and</p> <p>(d) a detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard.</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 site and to secure the preservation and protection of any remains that may exist within the site.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of</p>

	<p>0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity</p>
14.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
15.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
16.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
17.	<p>(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have</p>

	<p>responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</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.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
19.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of further electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>
20.	<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>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
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**Caryn Coogan**

**Planning Inspector**

**08/09/2021**