



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311097-21

---

<b>Development</b>	Demolition of 2 buildings and construction of 26 houses. Provision of new roads and footpaths, car parking areas, playgrounds & open spaces, boundaries.
<b>Location</b>	Dublin Road, Thurles, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	20727
<b>Applicant(s)</b>	Delta Properties Thurles Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Delta Properties Thurles Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	1 <sup>st</sup> December 2022
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The appeal with a stated area of 1.59 ha is located to the eastern side of the town of Thurles, Co. Tipperary on the N75 (Dublin Road) within the 50kp/h speed limit zone.
- 1.2. The site is an infill site comprising mainly of agricultural lands at this location. It is proposed to demolish two existing agricultural sheds on the land. Residential development in the area is characterised by a mixture of one off houses of varying designs together with mature residential estates. A funeral home is located on lands to the west of the site and a builder's providers together with a residence which is included in the landholding outlined in blue, are located to the east of the site. The Anner Hotel is located on lands further west of the site.
- 1.3. A recorded monument TN041-044 Enclosure lies to the south west of the site at a distance of c. 45m.
- 1.4. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.
- 1.5.

## 2.0 Proposed Development

- 2.1. Permission sought for 26 No. dwellings consisting of the following:
  - 3 No. type A1 - single storey, 2 bed
  - 1 No. Type A1M - single storey, 2 bed
  - 8 No. Type B1 - two storey, 3 bed
  - 8 No. Type B1M - two storey, 3 bed
  - 1 No. Type B2 - two storey, 3 bed
  - 5 No. Type C1 - two storey, 4 bed
- 2.2. The application was accompanied by a number of documents including an engineering services report, a tree survey and a Road Safety Audit.

2.3. Revised details were submitted to the Planning Authority dated the 2<sup>nd</sup> of June 2021 to include the following:

- Reconfigured open space.
- Provision of 6 No. pedestrian crossings throughout the site.
- Provision of 3 No. bicycle stands.
- Amended plans to provide larger storage areas and living area in House Type A1/ A1M.
- Tree Survey and Arboricultural Impact Assessment
- Provision of a 1.8m high wall to east of site and a 1m high timber fence to west of site.
- Ecological Survey
- Outline Construction Environmental Management Plan
- Design Statement
- Storm Drainage Proposals

2.4. A further submission was made to the Planning Authority by the applicant dated the 12<sup>th</sup> of July 2021 which advised regarding the felling of a sally tree and the removal of a branch from an existing oak tree together with a letter from a tree surgeon in relation to the dangerous condition of these trees and the need to remove same for the safety of pedestrians and road users.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Permission refused for one reason as follows:

Having regard to the Surface Water Drainage proposals submitted as part of the planning application documentation and the absence of an outfall point, the Planning Authority is concerned that the proposals on the site may not be able to cater for the

storm water discharge generated on site notwithstanding the proposed infiltration system proposed.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planner's report dated the 25<sup>th</sup> of August 2020 expressed concern in relation to a number of issues.
- The second planner's report dated the 13<sup>th</sup> of July 2021 expressed concerns in relation to 1m boundary fence proposed at northern boundary together with deficient storage space in houses B1, BM and B2. It was considered that the proposed access was acceptable on the N75, however surface water proposals were unacceptable and refusal of permission was recommended.

#### 3.2.2. Other Technical Reports

**Road Design:** Proposed development at variance with policy for national roads due to inappropriate standards and inadequate sight distance on N75. Alternative access arrangements as mooted in the Road Safety Audit should be explored.

A second report dated the 23<sup>rd</sup> of June 2021 advised that their position remained the same as set out in the previous report.

**Housing:** Report included a copy of Part V Agreement in principal.

**Area Engineer:** Further Information required as storm water design incomplete together with details of pedestrian crossing.

A second report dated the 9<sup>th</sup> of July 2021 outlined that sightlines and access arrangements are satisfactory but recommended refusal for one reason only as no outfall is provided from attenuation tanks.

### 3.3. Prescribed Bodies

**Department of Culture, Heritage and the Gaeltacht:** Report requires an Archaeological monitoring condition together with a bat survey.

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

- 3.4.1. A total of 12 No. submissions were made to the Planning Authority. The main issues raised related to impact on residential amenity, loss of mature trees and impact on biodiversity, traffic safety, drainage, land ownership, scale and design of dwellings, and impact on archaeology.

## 4.0 **Planning History**

- 4.1. No relevant history on site.
- 4.2. Adjoining lands:

### **PA Reg. Ref. 20124**

Permission granted for the construction of a storage building at adjacent hardware store.

### **PA Reg. Ref. 1960068**

Permission granted for shelter at adjoining funeral home.

### **PA Reg. Ref. 19600692/ ABP 307533-20**

Permission granted by PA and on appeal to ABP for single storey patio extension, lounge and BBQ area at Anner Hotel.

## 5.0 **Policy Context**

### 5.1. **National Policy**

#### 5.1.1. **National Planning Framework 2018**

- 5.1.2. The National Planning Framework promotes the consolidation of urban areas and compact growth with a focus in promoting 50% of future growth into the 5 key cities.

It notes that a major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside. The target is for at least 40% of all new housing to be delivered within the existing built up areas of cities, towns and villages on infill and/or brownfield sites. The NPG reinforces national policy towards higher densities in key urban areas and states:

“Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.”

5.1.3. The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Residential Development Guidelines (DoEHLG 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG 2009).
- Quality Housing for Sustainable Communities (DoEHLG 2007).
- Design Manual for Urban Roads and Streets (2013).

## 5.2. Regional Policy

### 5.2.1. Regional Spatial and Economic Strategy for the Southern Region 2019-2031 (RSES)

The Regional Spatial and Economic Strategy (RSES) for the Southern Region, 2020-2032 identifies Thurles as one of fourteen ‘Key Towns’ in the region, and one of four in the Mid-West sub region. The strategic framework in the RSES focuses on enhancing the strong network of towns in the region, with targeted population growth of 30% for the Key Towns. Specifically relating to Thurles, the RSES identifies that the town has significant potential for services and enterprise-based employment growth with an associated demand for residential development.

### 5.2.2. Development Plan

#### **Tipperary County Development Plan 2021-2027**

This plan came into effect on the 22<sup>nd</sup> of August 2022.

Relevant Sections include the following:

Chapter 4 Settlement Strategy outlines six district towns in Tipperary including Thurles as indicated on Figure 2.4 Core Strategy Map.

Section 5.3 deals with Residential Developments in Towns and Villages

Section 5.7 outlines Planning Objectives for Housing

Chapter 6 Supporting Sustainable Communities

Section 12.5.2 Safeguarding the Strategic Road Network

Appendix 6 outlines Development Management Standards.

#### **Thurles and Environs Development Plan 2009-2015 (as varied and extended)**

There are three different zonings on the site as follows:

Existing single storey dwelling adjacent to roadside boundary is zoned as 'Existing Residential'.

Main linear section behind existing house is zoned as 'Low Density New Residential'.

Rear of site is zoned as 'Educational and Institutional Facilities.'

Chapter 3 sets out Housing and Settlement Policy. Relevant policies include Policy HSG 1 New Estate Housing and HSG 2 Infill Housing.

Policy HSG 1: New Estate Housing

It is the policy of the Council to provide new housing on land zoned for residential development or for a mixture of residential and other uses based on the community concept, as follows:

a) to provide high quality residential layouts that are traffic calmed by design, provide sequencing of streetscape and open spaces and conform to Residential Housing Guidelines;

- b) to ensure the provision of a wide range of house types and sizes to meet the needs of different sections of the population;
- c) to conform with the - DoEHLG 'Density Guidelines for Planning Authorities'
  - DoEHLG Sustainable Residential Development in Urban Areas, 2008
  - DoEHLG Urban Design – Best Practice Guide, 2008
  - DoEHLG Sustainable Urban Housing: Design Standards for New Apartments, 2007
  - DoEHLG Quality Housing for Sustainable Communities, 2007
- d) to provide suitable and supervised amenity areas for children, teenagers, and adults.
- e) To provide high quality residential layouts that are traffic calmed by design.
- f) To ensure that a sufficient amount of land is zoned for housing purposes, in appropriate locations within the designated town boundary.

#### Policy HSG 2: Infill Housing Development

It is the policy of the Council to have regard to the urban form and the suitability of infill sites proposed for development and to have regard to the impact of such development on the surrounding built and natural environment. The scale, plot ratio and impact on adjoining properties will be assessed against the guidelines set out in Chapter 8 and the 2008 DoEHLG Guidelines.

Chapter 8 sets out Development Management standards.

### 5.3. Natural Heritage Designations

- 5.3.1. The appeal site is located c. 2.2km from Cabragh Wetlands proposed NHA and 3.6km from Lower River Suir SAC.

### 5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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**

6.1.1. The grounds of appeal can be summarised as follows:

- Permission was refused as the Planning Authority were concerned that proposals on site may not be able to cater for the storm water discharge generate on site. A series of SuDs measures to ensure that the storm water discharge can be catered for were included in the application including green roofs, permeable paving, water butts at each dwelling and 3 No. large soakways.
- In response to the reason for refusal, and recognising that there was no overflow in the event of failure of the SuDs systems, it is proposed to provide an overflow pond on land adjacent to the development.
- A map of the location of same on adjacent land to the site is included in the appeal documentation together with a letter of consent from the landowner.
- The overflow pond facility consists of a pond which has been sized for the 1:100 year event, assuming a greenfield run-off rate of 9.03 l/s.

### **6.2. Planning Authority Response**

- None.

### **6.3. Observations**

- None.

#### 6.4. Further Responses

- None.

#### 7.0 Assessment

7.1. At the time the Planning Authority made its planning decision on the 15<sup>th</sup> July 2021, the operative plan for the area was the North Tipperary County Development Plan 2010 (as varied). This has since been superseded by the Tipperary County Development Plan 2022-2028, operational since the 22<sup>nd</sup> day of August 2022. The Thurles Town and Environs Development Plan 2009-2015 (as extended) in place at the time of the decision remains in place.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Infrastructure
- Appropriate Assessment
- Other Issues

#### 7.3. Principle of Development

7.3.1. The proposal contains a mix of 26 dwellings with a variety of designs including single storey 2 bed dwellings, two storey 3 bed dwellings and two storey 4 bed dwellings. The variety of styles proposed is acceptable and the designs are compatible with existing dwelling units in the vicinity of the site.

7.4. Under the provisions of the Thurles and Environs Development Plan 2009-2015 (as varied and extended), there are three different zonings on the site as follows:

- Existing single storey dwelling adjacent to roadside boundary is zoned as R 'Existing Residential'.

- Main linear section behind existing house is zoned as R2 'Low Density New Residential'.
- Rear of site is zoned as E1 'Educational and Institutional Facilities'.

7.5. Under Appendix 1 - Matrix of Use Classes related to Use Zones, residential uses are acceptable in R and R2 and open for consideration in E1. Item 1 of the Further Information Request issued by the Planning Authority required the applicant to address the loss of lands zoned for educational and institutional use. The response submitted stated that there had been no proposals to develop the lands since their original zonings and that there was sufficient space available to existing schools to expand if necessary to meet the growth rates projected for Thurles. The Planning Authority considered that this response was acceptable and noted the applicant's response that of c. 7 acres of lands zoned for educational use, only 2 acres were in the ownership of the applicant. I concur with this response and am satisfied that the use proposed is acceptable at this location. There is a mixed pattern of development in the immediate vicinity with a wide variety of uses including a funeral home, a builder's providers, a hotel and long established and mature residential areas. Given the existing pattern of development in the area, the principle of a housing development on this site is considered acceptable.

7.6. Having regard to the proposed density, typology, layout and design I am satisfied that the proposed scheme complies with the relevant requirements of the Development Plan and that no negative impact to adjoining residential properties should arise. I am further satisfied that the pedestrian and cycle permeability through the site satisfies the requirements of the Development Plan. I am also satisfied that the quantitative provision of both public and private open space is acceptable.

7.7. I note that the site is located the N75 National Secondary Route and the Road Safety Audit submitted with the application outlines that 'ideally the access to the proposed development would be taken from Mill Road or the adjoining housing estate in Windsor Grove'. A report from TII considers that these alternative access arrangements should be explored and considers that sightlines are inadequate at the entrance. I note that the site is located within the settlement boundary of the town of Thurles within the 50kp/h speed limit zone and the Area Engineer report is satisfied with the sightlines proposed. An engineering report submitted in response to the

Further Information Request outlines that the measurement of sightlines at a point 4.5m from the road edge is applicable in a rural setting but not in a built up area. It is considered that the Design Manual for Urban Roads and Streets is applicable in this instance and that the access proposed is in accordance with DMURS. I note that the planner's report has no objection to the sightlines or access arrangements proposed in accordance with the Area Engineer's report. Overall, from the information available to me, I am satisfied that the proposed access is acceptable and in accordance with the relevant standards for this urban built up location.

7.8. In terms of internal storage provision, I note that revised internal designs were submitted for house designs A1 and A1M in order to comply with the minimum storage standards set out in Quality Housing for Sustainable Communities 2007. I note however that internal storage in house designs B1, B1M, B2 and C1 are below the standards required with areas varying between 1.35m<sup>2</sup> and 3.93m<sup>2</sup> in lieu of 5m<sup>2</sup> for the B houses and 5.78m<sup>2</sup> in lieu of 6m<sup>2</sup> for C1. Whilst in most cases, the minimum standards have been substantially achieved, I consider that it would be possible to alter the internal designs in order to achieve the standards set out in the Guidelines. It is recommended that should the Board be minded to grant permission that this matter should be addressed by condition.

## 7.9. Infrastructure

7.9.1. The sole reason for refusal by the Planning Authority related to concerns that proposals for surface water drainage generated on site may not be able to cater for the storm water discharge generated on site notwithstanding the proposed infiltration system proposed.

7.9.2. The appeal response submitted on behalf of the applicant notes that the stormwater proposals for the site contain a series of SuDs measures to ensure that the storm water discharge generated can be catered for. The SuDs measures include:

- Green Roofs – (31% of total roof area).
- Permeable Paving (all parking spaces).
- Water Butts at each dwelling.

- 3 large soakways located on public open space areas (as per drawings submitted in the Further Information Response).

7.9.3. Having regard to the Council's decision to refuse permission, and recognising the underlying concern that there is no overflow in the event of failure of the SuDs systems, it is now proposed to provide an overflow pond on lands adjacent to the proposed development. A letter of consent from the adjoining landowner has been submitted with the response together with a drawing of the proposed overflow pond. The overflow pond facility consists of a pond that has been sized for the 1:100 year event, assuming a greenfield run-off rated of 9.03 l/s. Details of calculations have been submitted with the appeal. It is anticipated that the pond will remain dry, with the exception of an emergency overflow from on-site soakways.

7.9.4. Details submitted with the appeal calculate that the volume of storage required is 389 cubic metres and taken together with the overflow pond and the 3 soakways indicated in the Further Information Response, the volume of storage proposed is 1589 cubic metres. A network of storm pipes connect the on-site soakways with the overflow storage facility as indicated in the drawings submitted with the appeal documentation.

7.9.5. I note that the Planning Authority did not submit a response to the Board in relation to the revised proposals submitted in the appeal response. However, having reviewed the proposals to provide an overflow facility on adjacent lands, the information available to the Board would support a conclusion that storm water discharge generated on site can be adequately catered for. Accordingly, I am satisfied that this scheme can be adequately serviced at this location.

## 7.10. Appropriate Assessment

7.10.1. The proposed works are not within any Natura 2000 site. Natura sites proximate to the site are as follows.

Site Code	Site Name	Site Distance
001934	Cabragh Wetlands Proposed NHA	2.2km

002137	Lower River Suir Special Area of Conservation	3.6km
--------	-----------------------------------------------	-------

- 7.11. The proposed site is located in a suburban environment c. 2.2km from the nearest Natura 2000 site. Watercourses and surface runoff are seen as the main potential pathway for impacts on Natura 2000 sites. The site does not have a direct pathway to watercourses that could act as potential vectors for impact on Natura 2000 sites. There is no direct hydrological pathway from the proposed development site to a Natura 2000 site.
- 7.12. Taking into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the dilution effect with other effluent and surface water runoff, it is concluded that this development would not give rise to any significant effects to designated sites. Further the construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites. In addition, no in-combination effects are foreseen.
- 7.13. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the distance of the proposed development from European sites and lack of meaningful ecological connections to those sites. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

#### **7.14. Other Issues**

7.15. Development Contributions – I refer to the Tipperary County Council Development Contribution Scheme 2020. The development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

### **8.0 Recommendation**

8.1. I recommend that permission be granted for the following reasons and considerations, and subject to the conditions set out below.

### **9.0 Reasons and Considerations**

Having regard to the zoning objectives of the site in the Thurles and Environs Development Plan 2009-2015 (as varied and extended), to the settlement hierarchy and core strategy of the Tipperary County Development Plan 2022-2028, to the design, scale, and layout of the proposed development, and to the pattern of development in the vicinity, it is considered that the proposed development would represent an appropriate residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would comply with the relevant provisions of the Thurles and Environs Development Plan 2009-2015 (as varied and extended), the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region 2020-2032, and the applicable section 28 Ministerial planning guidelines. 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, as amended by the

significant further information plans and particulars submitted on the 2<sup>nd</sup> day of June 2021, and by the further plans and particulars received by An Bord Pleanála on the 11<sup>th</sup> day of August 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.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

- a) House Type B1, B1M and B2 shall be amended to provide a minimum internal storage area of 5m<sup>2</sup>.
- b) House Type C1 shall be amended to provide a minimum internal storage area of 6m<sup>2</sup>.

**Reason:** In the interest of the residential amenity of the intended occupiers.

3. 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. 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.

4. 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/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

5. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless



otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

6. (a) 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.

(b) An overflow pond facility shall be provided on adjacent lands in accordance with the details submitted to An Bord Pleanála on the 11<sup>th</sup> day of August 2021.

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

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

**Reason:** In the interest of public health.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

**Reason:** In order to safeguard the amenities of properties in the vicinity.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall be in accordance with the detailed construction standards of the planning authority

for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

11. A minimum of 10% of all car parking spaces should be provided with functioning electric vehicle charging stations /points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual amenity.

13. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled and/ or contoured, as applicable, soiled, seeded, and landscaped in accordance with the landscape plans and report submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. 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 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;
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
  - (d) details of proposed boundary treatments at the perimeter of the site, including wall/ fence heights, materials, and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. If any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced with a tree or plant of the same species, variety and size within the planting season following such loss.

**Reason:** In the interest of visual amenity and to safeguard the amenities of properties in the vicinity.

15. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
- (a) specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development,
  - (b) trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

**Reason:** In the interests of amenity, ecology and sustainable development

16. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.

**Reason:** In the interests of amenity, ecology and sustainable development.

17. 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:

(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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development.

The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

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.

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

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

18. 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

19. 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.

20. 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.

21. 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.

---

Emer Doyle  
Planning Inspector

21<sup>st</sup> December 2022