



An
Bord
Pleanála

Inspector's Report ABP-311640-21

Development

Demolish former factory and construct four houses including the renovation and extension of derelict cottage, and associated site development works. This application is within an Architectural Conservation Area and within the curtilage of a protected structure.

Location

Talbot's Inch Village, Freshford Road, Co. Kilkenny

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

21367

Applicant(s)

Hansa Properties Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Sean Walsh.

Observer(s)

None.

Date of Site Inspection

15th of September 2022.

Inspector

Stephanie Farrington

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.7ha, is located within Talbots Inch Village off the Freshford Road within Kilkenny City. Talbots Inch Village is designated as an Architectural Conservation Area. The eastern portion of the site accommodates the remains of a former hosiery factory and a derelict cottage located to the south of the village adjacent to the terrace of houses at nos. 23 to 26. This area of the site is enclosed by hoarding and a gated access is provided from the adjacent local road. The western portion of the site is occupied by an overgrown open space area contiguous to the existing village green.

2.0 Proposed Development

2.1. The proposed development comprises of demolition of the upstanding remains of the former Hosiery Factory on site and the construction of 4 no. houses. The proposed houses comprise of the following:

- House no.1: A 3 storey 5 bedroom detached house, GFA 390 sq.m.
- House 2: A 2 storey 5 bedroom detached house, GFA 282 sq.m.
- House 3: A 2 storey, 4 bedroom detached house, GFA 265sq.m
- House 4: The renovation and extension of an existing end of terrace cottage to a 2-bedroom single storey house; 90 sq.m. GFA.

2.2. The development includes relocation of an existing right of way through the site, the provision of on street parking spaces and fencing to the open green area.

2.3. Revisions to the design and roof profile of houses nos. 1 and 3 were made in response to Kilkenny County Council's request for further information.

3.0 Planning Authority Decision

3.1. Decision

Kilkenny County Council issued a notification of decision to grant permission for the development subject to 17 no. conditions. The following conditions are of note:

- Condition no. 14 – relates to agreement of materials for the proposal with the planning authority.
- Condition no. 16 – relates to the set back of boundary treatment to ensure sufficient visibility from the relocated private right of way between houses 3 and 4.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planners Report (23/06/2021)

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised:

- The principle of development at this location is accepted having regard to the zoning of the site, the planning history of the area and the brownfield nature of the site.
- While the scale of house nos. 1 and 2 are large in the context of existing houses, given their location offset along a long cul de sac away from the original model village and at a lower elevation, the scale of the proposed houses are acceptable.
- A revised design is recommended for House no. 3.
- The report cross refers to the traffic issues raised by the roads design section.
- A request for further information is recommended in respect of the following: access to proposed open space area, revisions to proposed house design, swept path illustrating turning manoeuvres at the end of the cul de sac, access arrangements to existing dwellings, finishes to the verge between the public road and boundaries of house nos. 3 and 4., details of public lighting and road surfacing details.

Planners Report (14/09/2021)

The report provides a summary of the applicant's response to the request for further information. The report outlines that the proposed green will be incorporated with the existing open space and changes have been made to the houses to reflect features

in the terrace of houses adjacent to the site. The report recommends a grant of permission subject to condition in accordance with the planning authority's decision.

3.2.2. Other Technical Reports

Road Design (10th of June 2021)

A request for further information is recommended in relation to the following:

- swept path illustrating turning manoeuvres at the end of the cul de sac,
- access arrangements to existing dwellings,
- details of finishes to the verge between the public road and boundaries of house nos. 3 and 4.,
- clarification of parking arrangements
- details of public lighting
- road surfacing details.

Area Engineer, Kilkenny Municipal Office (21/05/21)

- No objection subject to condition outlining that no surface water from the site curtilage shall be allowed to discharge to the public road.

Conservation Section (10th of June 2021)

- The report provides a summary of the built heritage context of the site. The village green is listed on the NIAH, and Talbots Inch is designated as an ACA within the Kilkenny County Development Plan 2014-2020.
- The design, finish and fenestration of the proposed houses have been influenced by the Arts and Crafts design of the Talbots Inch Village.
- Houses 1,2 and 3 are larger than the early 20th century houses in the main village but significant effort has been made to break the mass and bulkiness of these dwellings. The design and scale of house no. 4 is considered appropriate.
- No objection is raised in respect of the proposal subject to condition.

Area Engineer (9th of September 2021)

- No objection to the proposal subject to conditions.

3.3. Prescribed Bodies

An Taisce:

A submission on the application was received from An Taisce. The following provides a summary of the main points raised:

- The factory site is an eyesore within the Talbots Inch ACA and proposals for its redevelopment are welcomed.
- Proposals to retain the green area adjacent to the Village Green are welcomed and the amalgamation of both green spaces is suggested.
- The Development Management Guidance set out within the Draft Kilkenny City and County Development Plan is considered to be vague for the ACA. Any new streetscape should provide a continuation of and sympathetic to the adjacent village street.
- The submission refers to the existing character of the street where dwellings are modest scale and arranged in semi-detached or terrace pairs. The existing dwellings differ in size and architectural details but are all set back from the road with front gardens and wrought iron gates.
- The proposed dwellings are not in scale with or sympathetic to the setting of the adjacent village houses. The set-back of the previous school-house adjacent to no. 26 is not in line with the village street. It is recommended that the proposed houses should face the village green, be modest in scale and have front gardens with railings that extend the style of the village street to the end of the green.
- Mobility within the village needs to address safe access for pedestrians and cyclists so any proposal to increase use of the factory entrance should consider this.
- The reference for any future development on the site should be the scale, character and setting of house nos. 8 to 26. The proposed development falls well short of this and does not maintain the character of the streetscape.

Irish Water: No objection subject to condition.

3.4. Third Party Observations

Submissions on the application were received from adjoining residents within the ACA. Issues raised related to the following:

- Impact of the proposal on the character and setting of the ACA.
- The historical context of the schoolhouse.
- Traffic impact, proximity to the road, parking proposals.
- Design and scale of proposed units.

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

Kilkenny City and County Development Plan 2021 – 2027

5.1.1. The site is located within the administrative boundary of Kilkenny County Council. At the time of the assessment of the application, the Kilkenny City and Environs Development Plan 2014-2020 was the operative development plan for the area. The application was assessed by Kilkenny County Council in accordance with the policies and objectives of this plan.

5.1.2. The Kilkenny City and County Development Plan 2021-2027 was adopted on the 3rd of September 2021 and the Plan came into effect on the 15th of October 2021. I have assessed the proposal in accordance with the provisions of the operative development plan.

Zoning

5.1.3. The appeal site is subject to 2 no. separate zoning objectives:

- The eastern portion of the site is zoned for Existing Residential purposes with an objective: *“To protect, provide and improve residential amenities”*. Dwelling is listed as a permitted use under this zoning objective.

- The existing open space area which occupies the western portion of the site is zoned for *Amenity / Green links/Biodiversity conservation/ Open Space/Recreation* purposes. This zoning objective seeks “*to allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space*”. Permitted uses include open space, sports clubs, recreational buildings, stands, pavilions, agricultural uses, halting site, and public service installations.

Architectural Conservation Areas

- 5.1.4. Section 4.5 of the Development Plan relates to Architectural Conservation Areas within Kilkenny City. 9 no. ACA’s are identified in Table 4.1 including Talbots Inch. The extent of the ACA is identified within Figure HS14 and includes the appeal site as illustrated within the attached presentation document.
- 5.1.5. The plan cross refers to the general policies for ACA’s as set out within Section 9.3.3 Volume 1 of the Plan.
- 5.1.6. Section 4.8.9 sets out the following description and historical background & Statement of Character (See Figure HS14)

“Talbotsinch is a unique example of residential planning. The model village was built in 1904 for Ellen Odette Desart, fourth Countess of Desart to designs prepared in a characteristic Arts and Crafts style by William Alphonsus Scott (1871-1921). The area has remained almost exclusively residential in character and has retained its special qualities of design and craftsmanship. The open green space in the centre surrounded by simple iron railings contributes significantly to the area’s character”.

- 5.1.7. The following ACA Development Management Requirements based on assessment of special character are identified:
- TACA 1: To protect the character of Talbotsinch village as a model village.
 - TACA 2: Any proposals to convert front gardens for use as off-street parking will not be permitted.
 - TACA 3: To protect the open green space of Talbots inch green as an important contributor to the setting of the houses and to the historic planning of the village.

- TACA 4: To ensure that any proposals for the development of the corner site in the south-eastern corner of the ACA take account and are respectful of the setting of the village and its character.

5.1.8. Section 6.3 of the Plan relates to Residential Development. The Plan sets out Housing Development Management Requirements and outlines that for good place making, all design should accord with best practice and address the 12 Criteria for Assessment as set out in the Guidelines for Sustainable Residential Development.

Section 6.4 Infill Development

5.1.9. The Plan outlines that availing of development opportunities for infill sites will need to be sensitive to the potential of them imposing on existing neighbouring structures in terms of encroachment, overlooking and overshadowing. The potential for the development of such sites, which includes backland locations, should be considered on a site-by-site basis and will only be acceptable where the developer can show that the development is able to comply with certain minimum requirements. The following policy is of relevance:

“It is Council policy to facilitate infill development where minimum requirements can be met and where the proposed development will not materially impact the residential amenity or character of neighbouring developments”.

Protection of Open Space

5.1.10. Section 6.8.4 of the Plan relates to the Protection of Open Space and outlines that:

“The Council will not normally permit development which is not compatible with or would result in the loss of green infrastructure or land zoned for recreational or open space purposes. An exception may be considered where one or more of the following requirements are demonstrably met:

- *The proposed development can clearly demonstrate that it can contribute to the making of quality space and will enhance and benefit place making in the area.*
- *There is a clear excess of playing fields or open space provision within the area. This should consider the long-term needs of the community, the type, recreational, amenity value and accessibility of such provision.*

- *Alternative compensatory provision is made which is both accessible to and of equal or greater quality and benefit to the community served by the existing open space.*
- *The continued use, proper maintenance and enhancement of the amenity/facility can best be achieved by the redevelopment of a portion of the site that will not adversely affect its overall sporting, recreational, amenity or place making value of the facility.*
- *The site is indicated for an alternative use in this Development Plan”.*

Record of Protected Structures – Kilkenny City

5.1.11. Appendix J of the Kilkenny City and County Development Plan sets out the Record of Protected Structures for Kilkenny City (C217). The following description is provided for Talbot Inch Village – Model Village:

“Built in 1904 for Lady Desart by Professor William A. Scott. Consists of several rows of houses and a supervisor's house, built around an open space. All houses are slightly different from each other and built in an art nouveau idiom”.

5.2. Architectural Heritage Protection Guidelines for Planning Authorities

5.2.1. Chapter 3 of the guidelines relates to development within ACA's. Section 3.10 sets out Criteria for Assessing Proposals within an ACA. This outlines that:

“When it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance”.

“The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design. However, replacement in replica should only be contemplated, if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character. In certain circumstances, it may be appropriate to require a written assessment of the impact of the proposed structure on the character of the area”.

5.2.2. Section 3.10.2 relates to proposals for demolition within an ACA. This outlines that:

“The planning authority should consider the effect both on the character of the area and on any adjacent protected structures. When it is proposed to demolish an undistinguished building in an ACA, the proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area”.

5.3. Natural Heritage Designations

The following European sites are located within proximity to the site:

- River Barrow and Nore SAC – c. 60 m to southeast
- River Nore SPA - c.130m east
- Dunmore Complex PNHA – c.630m to the east

5.4. EIA Screening

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application. The proposed development falls within the categories of ‘Infrastructural Projects’, under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

10(b)

- (i) Construction of more than 500 dwelling units.
- (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

5.4.2. The proposal is for 4 no. residential units on a site of 0.70ha. The proposed development falls below the development threshold and mandatory EIA is therefore not required.

5.4.3. I have given consideration to whether sub-threshold EIA is required. The introduction of a residential development on a serviced and zoned site within the urban footprint of Talbots Inch Village will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape

or of natural heritage and the proposed development is not likely to have a significant effect on any designated Natura 2000 site.

- 5.4.4. In terms of cultural heritage, I note that the site is located within an ACA and adjoined by existing Protected Structures. I consider that sufficient information has been submitted by the applicants including an Architectural Heritage Impact Assessment and Design Statement to demonstrate how the proposal responds to the character and setting of the ACA. I am satisfied that the extent and nature of the development proposed would have no significant adverse direct, indirect or cumulative effects on cultural heritage that would warrant the submission of a subthreshold EIA.
- 5.4.5. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and waste water network.
- 5.4.6. Having regard to: -
- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
 - The location of the site within the built-up urban footprint of Talbots Inch Village,
 - The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to mitigate the impact of the development on any such site,
 - The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
 - The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.4.7. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination a sub-threshold environmental impact assessment report for the proposed development was not necessary.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was submitted by Aine Ryan Consulting on behalf of Sean and Karen Walsh, 26 Talbots Inch Village. The following provides a summary of the grounds of appeal:

- The proposal will negatively impact on the character and setting of Talbots Inch Village and is inappropriate in relation to adjoining properties and access impacts arising to established land uses.
- The appeal provides an overview of the village context. The site is located within an ACA and individual houses within the village are listed on the RPS and the NIAH. The appeal site is located to the southern end of the village and adjoins a terrace of workers houses. The old schoolhouse shares a roof and gable boundary with the appellants residence at no. 26.
- The appeal raises concern in relation to inadequacies within the submitted Architectural Heritage Impact Statement. The AHIS does not have regard to the guidance set out within the Architectural Heritage Protection Guidelines or Section 7.4.6 and Policy 7M of the Development Plan in relation to development within ACA's. No assessment of impact on adjoining structures or the general character of the ACA is carried out. The AHIS does not include an analysis of the direct, indirect and mitigations on the ACA, RPS or NIAH designations arising from the proposed development. The proposal is contrary to TACA 4 within the Draft Kilkenny City and County Development Plan.
- The Design Statement does not provide evidence of compliance with the 12 Design Criteria as detailed within the CDP or considered infill impacts. The size, massing and external finishing of the proposed dwellings bear little resemblance to the arts and crafts movement that defined the ACA.

- Proposed house no. 4, which adjoins no. 26, has significant potential to impact on the character and setting of the ACA village by virtue of its location and orientation. This house will complete the terrace fronting the green. Architectural features of note pertaining to the school house will not be retained within the development. The development includes the removal of the house porch and original dormer window. The bulk and modern render finish to house no. 4 is unsympathetic to the setting of the adjacent terrace houses and bears little resemblance to the established terrace art style. The dwelling is considered to pose significant threat to the integrity of the ACA.
- The development as proposed will compromise an unsympathetic architectural style and interrupt the planned model village composition within the arts and craft movement style.

Right of Way

- The Walsh family have a long-established right of way through the factory premises. The application seeks to relocate an existing right of way access serving the rear of no. 26. A court order and legal opinion is attached. This outlines that the proposed route abuts the gable end of no. 26 and the developers cannot demolish an adjoining property without taking the proper precautions and prior consultation.
- The proposed rerouted right of way has not demonstrated vehicular movement and manoeuvring for larger vehicles can be accommodated. Sight lines at the proposed entrance are not shown. The proposed right of way does not represent an equitable alternative route to the current right of way.
- The applicant should demonstrate the attainment of safe vehicular access to all roads proposed within the development. This includes access/egress to and from the proposed relocated right of way in terms of visibility (sight lines) and reasonable provision of turning and stopping movements by vehicles using the right of way.
- An assessment of the proposed relocated Right of Way prepared by Brendan Moore Architects is attached as Appendix 3 of the appeal. This outlines that the right of way is not of a sufficient width to accommodate the appellant's

requirements as forward and reversing turning movements overruns the proposed 4m ROW particularly at the junction of the ROW with the public road. The report outlines that the proposed right of way would need to be widened to accommodate the appellants requirements.

- It is stated that significant revisions would be required to facilitate access.

Car Parking:

- The appeal outlines that 4 no. parking spaces are proposed adjacent to the open space area. The parking spaces are proposed on lands which are zoned for “Amenity/Green Links/Biodiversity conservation/Open Space Recreation”. Car parking is not an identified permissible use on such lands.

Demolition Impacts upon no. 26

- It is unclear as to how the applicant proposes to carry out roof repairs to the school-house structure adjoining no. 26 without affecting the fabric or character of no. 26. A demolition method statement has not been provided with the application. No. 26 remains a feature of the ACA and NIAH and cognisance must be given to the protection of this structure. Damage may arise due to the removal of the school house roof tiles, gable alterations, removal of windows and doors and ground works. Demolition impacts should be considered by a qualified architectural heritage professional.
- In accordance with the guidance set out within the Architectural Heritage Guidelines (S 3.1) where demolition is proposed, elements which *“contribute to its special interest that have survived should be retained in any reconstruction or repair”*.

Conclusion

- The proposed development will result in negative impacts on the ACA, NIAH and RPS status and character of Talbots Inch Village. The proposal has not demonstrated appropriate regard to adjacent properties or established that the relocated ROW meets safety standards.
- The Board is requested to overturn the planning authority’s decision to grant permission.

6.2. Applicant Response

Brian Dunlop Architects provided the following response to the third-party appeal on behalf of the applicant:

- It is requested that the notification of decision of Kilkenny County Council to grant permission for the development is upheld.
- Impact on Character and Setting of Talbots Inch Village – The appeal response outlines that the site was never in residential use. It was in use as a factory. Its derelict appearance detracts from the village. The proposal includes a modest format residential development on site and ceding the existing green area back to the residents. There is a broad range and type of dwellings on either side of the workers cottages.
- Planning Context - The existing houses to the south are relevant to the application as they form a significant part of the receiving environment, are located within the same ACA and are in the former garden of Cul na Greine (a protected structure) that forms part of the original village design.
- Impact upon Designated Status of Talbots Inch Village – The applicant fully acknowledges the Protected status of the village. The proposed development has been designed to respond to the nature and character of the village.
- Inadequacies within the Architectural Heritage Impact Statement – The reference to the AIHS as inadequate within the appeal is subjective and not supported by the planning authority Conservation Officer or Planning Officer. The AIHA for the adjoining site are noted as applicable. The AIHA also addresses the existing factory remains and the positive impact the proposal will have on no. 26 and the broader village context.
- Design Context – The proposal has been designed to respond to the site context. The appeal cross refers to the Conservation Officers Report which outlines that the proposal has been influenced by the arts and crafts designs of the Talbots Inch Village. The design intent is to reference in a sympathetic manner rather than copy of replicate in a pastiche manner. House no. 4 is designed as a sympathetic extension to the existing single storey structure. The finishes are chosen to be simple to distinguish them between the new

and original elements. The architectural style is appropriate for the village context.

- Right of Way – The appeal response includes a legal opinion prepared by W.A. Smithwick & Son Solicitors which addresses the issue of the right of way.
- Sight Lines Available at Right of Way – The appeal includes a swept path analysis for a large rigid truck manoeuvre at the appellant’s rear gates. No evidence is provided that such a manoeuvre can be facilitated at the existing rear gates.
- Car Parking – The green space in the applicant’s ownership is proposed for an appropriate use in accordance with the sites zoning objective. This area will be ceded to the public green for additional recreation and biodiversity making a positive contribution to the wider village. The proposed parallel parking is an appropriate extension of the existing parking arrangements within the vicinity and in accordance with Objective TACA2 for Talbots Inch Village of the Development Plan which outlines that proposals to convert front gardens for use as off-street parking will not be permitted.
- Demolition Impacts upon no. 26 Talbots Inch Village – The appeal response cross refers to the attached Legal Opinion on the appeal by W.A. Smithwick and Son Solicitors which states that the applicant has liaised with the appellant but have “effectively been stonewalled”.
- Conclusion – The appeal response outlines that the positive impacts of the proposed development on the derelict and ruinous site within an ACA far outweigh any negative impacts of development as suggested by the appellant. Such positive impacts including:
 - Removing an eyesore from the southern end of the village,
 - Providing an appropriately scaled residential development in place of a derelict factory building,
 - Retaining and respecting the original design intent of the workers cottages intact,
 - Ceding a significant area of green space to the public realm,

- Providing a high-quality architectural design solution that respects the site and the receiving environment.
- An Bord Pleanála is requested to grant permission for the development in accordance with Kilkenny County Council's decision.

6.3. **Planning Authority Response**

Kilkenny County Council provided a response to the grounds of appeal. The following provides a summary of the points made.

- Adequacy of the Heritage Impact Statement – The proposed development was assessed by the Council's Conservation officer and addresses the issues raised by the appellant in terms of impact on the Architectural Conservation Area. The report details the measures taken in the design of the proposal to ensure that the character of the ACA is retained.
- Impact on Relocated Right of Way – The Council took the view that there was sufficient legal interest in the property for the Council to consider the application.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Architectural Heritage - Impact on Character and Setting of Talbots Inch Village
- Access and Transportation
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The site is located within the administrative boundary of Kilkenny County Council. At the time of the assessment of the application, the Kilkenny City and Environs

Development Plan 2014-2020 was the operative development plan for the area. The application was assessed by Kilkenny County Council in accordance with the policies and objectives of this plan. The Kilkenny City and County Development Plan 2021-2027 was adopted on the 3rd of September 2021 and the Plan came into effect on the 15th of October 2021. I have assessed the proposal in accordance with the provisions of the operative development plan.

- 7.2.2. The eastern portion of the site is brownfield and is currently occupied by a derelict cottage with fire damage to the roof and the upstanding remains of a former Hosiery factory. The proposed development comprises the demolition of the upstanding remains of a former Hosiery factory and the construction of 4 no. dwellings on site. The development includes the renovation and extension of the existing end of terrace cottage. This area of the site is currently surrounded by hoarding and contributes little to the visual amenity of the area. This portion of the site is zoned for residential purposes within the Kilkenny City and County Development Plan with an objective *“to protect, provide and improve residential amenities”*. Dwelling is listed as a use which is permitted on residentially zoned lands.
- 7.2.3. The western portion of the site is currently undeveloped and zoned for *“Amenity / Green links/Biodiversity conservation/ Open Space/Recreation”* purposes within the Kilkenny City and County Development Plan 2021-2027. This zoning objective seeks *“to allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space”*. This area is proposed for use as an open space area and extension to the existing village green to the north.
- 7.2.4. The site is located within an ACA and adjoined by existing Protected Structures to the north. The site at present is derelict and overgrown in appears and contributes little to the character and setting of the ACA. I consider that the principle of the redevelopment of an existing brownfield site within the footprint of the village would facilitate compact growth and is supported by national and local policy and is acceptable subject to design, built heritage and access considerations.

7.3. Architectural Heritage - Impact on Character and Setting of Talbots Inch Village

Built Heritage Background

- 7.3.1. The appeal site is located within Talbot's Inch Village Architectural Conservation Area. The ACA is described as follows within the Record of Protected Structures as set out within Appendix J of the Kilkenny City and County Development Plan 2021-2027:
- *Talbot Inch Village – Model Village – (C217) “Built in 1904 for Lady Desart by Professor William A. Scott. Consists of several rows of houses and a supervisor's house, built around an open space. All houses are slightly different from each other and built in an art nouveau idiom”.*
- 7.3.2. The NIAH include multiple entries for Talbot Inch Village that include detached houses, terrace houses, the village green and a post box which are identified as being of Regional Importance. House nos. 23 to 26 are not listed on the NIAH map. Kilkenny County Council's map viewer identifies multiple houses within the ACA as Protected Structures under the RPS reference C217. House nos. 23-26 inclusive are identified as Protected Structures and described as follows “House in Model Village”.
- 7.3.3. The site in its current format is derelict and overgrown in appearance and contributes little to the character and setting of the ACA. The ACA Development Management Guidance set out within the Kilkenny City and County Development Plan 2021-2027 support sensitive development within ACA's. The following policies are of specific relevance to the appeal site:
- TACA 3: To protect the open green space of Talbots inch green as an important contributor to the setting of the houses and to the historic planning of the village.
 - TACA 4: To ensure that any proposals for the development of the corner site in the south-eastern corner of the ACA take account and are respectful of the setting of the village and its character.

Proposed Development – Design and Layout

- 7.3.4. The proposed development comprises of demolition of the upstanding remains of the former Hosiery Factory on site and the construction of 4 no. houses including renovation and extension of the existing end of terrace cottage. The dwellings are proposed on the brownfield portion of the site which is occupied by the former Hosiery factory constructed in the 1930's. The western portion of the site is occupied by an open space area. An Architectural Design Statement and Architectural Heritage Impact Statement prepared by Brian Dunlop Architects is submitted in support of the application.
- 7.3.5. The site, at present, has a derelict appearance is enclosed by hoarding and detracts from the character and setting of the ACA. I have no objection to its demolition to accommodate the redevelopment of the site.
- 7.3.6. The design statement outlines that careful consideration has been given to the scale, height and massing of the proposed dwellings, their sighting in the landscape and historical context within the ACA. The third-party appeal outlines that the scale, design and finish of the proposed dwellings do not reflect the character of existing dwellings within the village. Such concerns are raised within the submission on the application by An Taisce. The design statement provides an overview of characteristics of the ACA which includes strong architectural references to the arts and crafts movement. This is reflected within the description of the Village as set out within the RPS and the NIAH.
- 7.3.7. On-site inspection, I note that there is not a uniform design within the village and the architectural treatment varies between individual houses. I consider that the proposed residential units while contemporary and simple in format incorporate elements of design which are characteristic of the ACA including window styles, roof pitches, dormer roof windows and materials. The Design Statement submitted in support of the application outlines that the design intent is to reference in a sympathetic manner rather than copy of replicate in a pastiche manner. On an overall basis, I consider that the architectural style is appropriate for the village context. In this regard I consider that the proposal responds successfully to the guidance set out within the Architectural Heritage Guidelines which states that:

“where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged”.

- 7.3.8. In terms of the scale of the proposed dwellings I accept that a number of the proposed units are larger in scale to existing dwellings within the ACA. The design statement submitted in support of the application further refers to recent development to the north of the ACA which incorporates larger house formats, and a case is made that the proposal will balance these. While I note that house nos. 1 and 2 are larger in scale these are located off a cul de sac removed from the village and at a lower level.
- 7.3.9. The appeal outlines that proposed house no. 4, which adjoins no. 26, has significant potential to impact on the character and setting of the ACA village by virtue of its location and orientation. It is stated that architectural features of note pertaining to the school-house will not be retained within the development including the house porch and original dormer window and that the bulk and modern render finish to house no. 4 is unsympathetic to the ACA setting.
- 7.3.10. The submission on file from An Taisce furthermore recommends that the existing building line established by the terrace should be followed by any development on the site. However, in this regard, I note that the previous buildings on site protruded from the building existing building line and see no requirement for the proposal to be set back in this regard.
- 7.3.11. Drawing no. 1714-P-200 illustrates the Proposed Contiguous Street Elevations of the proposal and interface with the adjoining terrace of dwellings fronting the village green. On an overall basis, I consider that a continuity in format and design is provided along the streetscape and the proposal successfully integrates into the character of the area. I consider that, house no. 4 is designed as a sympathetic extension to the existing single storey structure.
- 7.3.12. The western portion of the site at the opposite side of the local road includes a large open green space which is overgrown and directly adjoins the Talbotts Inch Village green which is designated as a Protected Structure within the NIAH. This portion of the site is zoned for Amenity / Green links/Biodiversity conservation/ Open Space/Recreation purposes. This zoning objective seeks *“to allow for green links*

and biodiversity conservation and to preserve, provide and improve recreational open space”.

- 7.3.13. The applicant’s FI response clarified that it is the intention that the open space will function with the existing Talbots Inch green as one open space. It is stated that the existing access gate to the north and post and rail fence can be removed to combine the space with the village green. The existing village green is enclosed by a wrought iron railing, and I note that the proposal includes wrought iron railing to enclose the proposed open space area. I refer to the submission on file from An Taisce which is supportive of this element of the proposal. I refer to the requirements of Condition no. 18 of Kilkenny County Council’s notification of decision to grant permission for the development which outlines that a landscaping plan detailing full boundary treatment of all boundaries shall be submitted for written agreement of the planning authority. I consider the requirements of this condition to be appropriate in the instance that permission is granted for the development.

Impact of Proposed Demolition on no. 26 Talbots Inch Village Protected Structure

- 7.3.14. The appeal raises specific concern in relation to the impact of the proposal on no. 26 Talbots Inch Village. The appeal outlines that it is unclear as to how the applicant proposes to carry out roof repairs to the school-house structure adjoining no. 26 without affecting the fabric or character of no. 26. The appeal includes specific reference to the guidance set out within Section 3.10.2 of the Architectural Heritage Protection Guidelines which relates to proposals for demolition within an ACA and outlines that:

“The planning authority should consider the effect both on the character of the area and on any adjacent protected structures. When it is proposed to demolish an undistinguished building in an ACA, the proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area”.

- 7.3.15. The relationship between the schoolhouse building and no. 26 is illustrated on drawing no. 1714-p-103 “House 04 Site Plan, Elevations and Section”. The old schoolhouse shares a roof and gable boundary with the appellants residence at no. 26. On review of the application drawings, I note that there are no proposals for wholesale demolition immediately adjacent to no. 26. The development seeks to

renovate and extend the existing structure repair the roof and remove existing door openings.

- 7.3.16. The appeal outlines that damage may arise due to the removal of the schoolhouse roof tiles, gable alterations, removal of windows and doors and ground works and demolition impacts should be considered by a qualified architectural heritage professional. The appeal response includes a legal opinion from W.A. Smithwick and Sons Solicitors which details that the applicant has endeavoured to engage with the appellant in respect of the proposed works in light of the interface between both properties.
- 7.3.17. I am of the view that the issues raised in the appeal relating to works and consent are civil matters and are not matters that the Board can consider. In this regard, Section 34 (13) of the Planning and Development Act states that, 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.
- 7.3.18. The appeal refers to the retention and reuse of existing features of the building. However, in this regard I note that the structure in itself is not listed as a Protected Structure. I refer to the photographs of the interior of the cottage attached as an Appendix of the Design Statement. I note that the Conservation Officer in KCC has raised no objection to the proposed works to cottage and I similarly have no objection. I consider that the proposed and that the reintroduction of an active use to this structure will have a positive impact on the character and setting of the ACA.
- 7.3.19. I also refer to the requirements of Condition no. 15 of KCC's notification of decision to grant permission for the proposed development which relates to the submission of a Construction and Environmental Management Plan to the planning authority for written agreement prior to the commencement of development. I recommend that the scope of this plan is extended to provide a Demolition and Construction Management Plan to negate against impact on adjoining properties.

Contrary to Built Heritage Policy

- 7.3.20. The appeal outlines that the proposal is contrary to the policies and objectives set out within national and local policy as they relate to development within Architectural Conservation Areas. Concerns are also raised in relation to the limited scope and

content of the Architectural Heritage Impact Statement and Design Statement submitted in support of the application.

On review of the submitted Design Statement and AHIS, I consider that a sufficient justification has been provided in support of the development. The report identifies the defining characteristics of the ACA and details how the proposed residential units have taken design cues from the existing residential units. I consider that sufficient information has been submitted by the applicants including an Architectural Heritage Impact Assessment and Design Statement to demonstrate how the proposal responds to the character and setting of the ACA

Conclusion

7.3.21. On an overall basis, in design terms, I consider that the proposal adopts a modern and simple design approach which incorporates design features of the ACA, and which successfully integrates into the character of the area. I consider that the proposal would integrate positively into the existing streetscape and the development has been appropriately designed to respond to the existing site context and negate against impact on the character and setting of the ACA and adjoining Protected Structures. I consider that the proposal is in accordance the national and development plan policies which support sensitive development within ACA's and consider that the proposal is respectful of the setting of the village and its character in accordance with the requirements of TACA 4 Kilkenny City and County Development Plan.

7.4. Access and Transportation

Proposed Access

7.4.1. Access to the appeal site is currently provided via a gated entrance from the L6602 to the south of the site. Access to the development is proposed via the creation of a new entrance to the south of the site in the vicinity of the existing gated entrance. The proposed road includes a shared surface arrangement with a 4.5m vehicular access and 1.5m pedestrian route. A cul de sac arrangement is proposed to serve proposed house nos. 1-3. The L6602 in the vicinity of the site operates at a speed limit of 50km/ph and sightlines of 45m in both directions are illustrated on Drawing no. 2010809/PL/002 "Proposed Site Layout".

- 7.4.2. A swept path analysis showing the interface of the proposed access with the existing access point in the vicinity was submitted in response to Kilkenny County Council's request for further information (Drawing no.201089/PL/006 Proposed Swept Path Analysis).
- 7.4.3. An existing right of way is provided through the site, as illustrated on Drawing no. 1714-P-002 "Survey/Demolition Plans and Elevations". This right of way provides access to lands associated with no. 26 Talbots Inch Village and is accessed via the existing gated entrance to the south of the site. The development includes a proposal to relocate the existing right of way further north of the site between house nos. 3 and 4 as illustrated on drawing no. 1714-P-004 "Proposed Site Layout Plan".
- 7.4.4. The appeal outlines that the proposed relocated right of way does not represent an equitable alternative route to the current right of way. An assessment of the proposed relocated Right of Way prepared by Brendan Moore Architects is attached as Appendix 3 of the appeal. This outlines that the right of way is not of a sufficient width to accommodate the appellant's requirements and concerns are raised in respect of sightlines at the proposed entrance.
- 7.4.5. The appeal response includes a legal opinion prepared by W.A. Smithwick & Son Solicitors which addresses the issue of the right of way. I am of the view that the issues raised in the appeal relating to rights of way and consent are civil matters and are not matters that the Board can consider. In this regard, Section 34 (13) of the Planning and Development Act states that, 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.
- 7.4.6. In terms of the principle of the proposed right of way access, I note that the L6602 runs in a straight alignment in the vicinity of the proposed right of way access and I see no significant obstructions to visibility subject to agreement of boundary treatment for the proposed dwellings. I refer to the requirements of Condition no. 17 (c) of Kilkenny County Council's notification of decision to grant permission for the proposed development which relates to the agreement of boundary treatment between the public road and the proposed dwellings to ensure adequate visibility from the relocated right of way. I consider that the requirements of this condition are appropriate in the instance that the Board is minded to grant permission for the development.

7.4.7. In conclusion, I note that the Roads Department in Kilkenny County Council have raised no objection to the proposed access arrangements subject to condition and I similarly have no objection.

Car Parking

7.4.8. The proposed development includes the provision of 2 no. in curtilage parking spaces to serve house nos. 1 to 3 and 2 no. visitor parking spaces adjacent to the cul de sac turning area. Parking for house no. 4 is proposed to the west of the L6602 in the vicinity of the existing open space area and an additional 2 no. visitor parking spaces are proposed at this location.

7.4.9. The third-party appeal raises the concern in relation to the provision of car parking associated with the development on lands zoned for Amenity / Green links/Biodiversity conservation/ Open Space/Recreation purposes. The appeal outlines that this is contrary to the zoning objective pertaining to this portion of the site as car parking is not listed as a permitted use under this zoning objective.

7.4.10. The applicant's response to the grounds of appeal outlines that the proposed parallel parking is an appropriate extension of the existing parking arrangements within the vicinity and in accordance with Objective TACA2 for Talbots Inch Village of the Development Plan which outlines that proposals to convert front gardens for use as off-street parking will not be permitted.

7.4.11. The location of the proposed parallel parking spaces is illustrated on Drawing no. 1714-P-004 Proposed Site Layout Plan. These include 2 no. dedicated parking spaces for house no. 4 and 2 no. visitor parking spaces. I note that the area in which the parking spaces are proposed, while adjacent to the public road is zoned for Amenity / Green links/Biodiversity conservation/ Open Space/Recreation purposes within the Kilkenny City and County Development Plan 2021-2027. The proposed open space is to function as part of the existing village green. As illustrated within the application drawings the existing open space area protrudes beyond the existing village green onto the L6602. The proposed railing is provided beyond the parking spaces and matches the alignment of the railing enclosing the village green. In terms of the existing village characteristics, I note that formalised car parking is not provided.

7.4.12. I consider that the proposal to include formal car parking and its allocation to an individual property is contrary to the pattern of development in this area and request that this element of the proposal is omitted in the instance that the Board is minded to grant permission for the development. Informal car parking could be accommodated at this location in accordance with that established adjacent to the village green.

7.5. **Appropriate Assessment**

Compliance with Article 6(3) of the Habitats Directive

7.5.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background to the Application

7.5.2. A report entitled Natura Impact Assessment, Biodiversity and Appropriate Assessment prepared by Roger Goodwillie and Associates is submitted in support of the application. I note the reference to a Natura Impact Assessment in the title of the submitted report and the reference to the submission of a Natura Impact Statement within the public notices. However, on review of the contents of the report I note that a Natura Impact Statement is not undertaken. The report includes a Stage 1 Appropriate Assessment Screening.

7.5.3. The applicant's Stage 1 Appropriate Assessment (AA) Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicants AA Screening Report concludes that:

“There is no likelihood that this development will have significant impacts on the integrity and functioning of the Natura 2000 site network; neither will there be any effects on achieving the conservation objectives. This is so by itself or in combination with other adjacent development and is a finding of no significant effect. No specific mitigation is necessary. The further, more detailed, stages of appropriate assessment are not required”.

Compliance with Article 6(3) of the Habitats Directive

- 7.5.4. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 7.5.5. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 7.5.6. Section 3.2 of the applicant's report sets out a description of the proposed development. In brief the proposal comprises the construction of 4 no. houses, access arrangements and connection to public water and wastewater systems. The report also refers to the removal of loose stone, concrete and brick from the site which would be associated with the demolition and site clearance phase of the development.
- 7.5.7. Habitats within the appeal site boundary are identified as following: dry meadows and grassy verges, scrub, buildings and artificial surfaces, recolonising bare grounds and mixed broadleaved/conifer woodland. The report identified that there was no standing water or watercourses on site. The baseline site description is in accordance with my observations on site inspection.

Submissions and Observations

- 7.5.8. No relevant issues were raised within the grounds of appeal or in submissions or observation on the application.

European Sites

- 7.5.9. Two European sites located within a 15-kilometre radius of the site namely the River Barrow and Nore SAC (Site Code: 002162) and the River Nore SPA (Site Code 004233). The River Barrow and Nore SAC is located approximately c.60 metres east of the appeal site and the River Nore SPA is located approximately c.130 metres east of the appeal site boundary. The appeal site is separated from the designated sites by existing open space.

7.5.10. Using the source pathway-receptor model, there is no pathway or connectivity between the appeal site and the two European sites which are located within the potential zone of influence of the appeal site.

7.5.11. The qualifying interests of the River Barrow and Nore SAC, site code 002162 are set out below:

- Estuaries [1130]; Mudflats and sandflats not covered by seawater at low tide [1140]; Reefs [1170]; Salicornia and other annuals colonising mud and sand [1310]; Atlantic salt meadows [1330]; Mediterranean salt meadows [1410]; Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]; European dry heaths [4030]; Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]; Petrifying springs with tufa formation [7220]; Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]; Alluvial forests with Alnus glutinosa and Fraxinus excelsior [91E0]; Desmoulin's Whorl Snail [1016]; Freshwater Pearl Mussel [1029]; White-clawed Crayfish [1092]; Sea Lamprey [1095]; Brook Lamprey [1096]; River Lamprey [1099]; Twaite Shad [1103]; Salmon [1106]; Otter [1355]; Killarney Fern [1421]; Nore Pearl Mussel [1990].

The Conservation objective of the River Barrow and Nore SAC is *“To maintain and restore the favourable conservation conditions of the species and habitats along and within the watercourse”*.

7.5.12. The qualifying interests of the River Nore SPA, site code 004233 is set out below:

- Kingfisher (Alcedo atthis) [A229]

The Conservation objective of the River Nore SPA is *“To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA”*.

Identification of likely effects

7.5.13. Section 3.5 of the applicant's report relates to potential effects. This outlines that *“the project site does not support any of the listed habitats or species for the Natura 2000 sites and has no linkage with them that could bring about significant effects. Any*

local impacts on wildlife are not of a scale to affect the ecological functioning of the sites in question. There are no significant potential effects”.

Having regard to the nature and extent of the proposed development and its distance from designated Natura 2000 sites I consider that there are no individual elements of the proposed project that are likely to give rise to significant effects on the designated Natura 2000 sites.

Mitigation Measures

- 7.5.14. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

Screening Determination

- 7.5.15. Significant effects can be excluded, and Appropriate Assessment is not required.
- 7.5.16. 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 of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Barrow and River Nore SAC (002162) and the River Nore SPA (004233) or any other European site, in view of the site’s Conservation Objectives, and Appropriate Assessment, and the submission of a Natura Impact Statement is not therefore required.

8.0 Recommendation

- 8.1. I recommend that permission is granted for the proposal in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the zoning objectives for the site as set out within the Kilkenny City and County Development Plan 2021-2027, national and local policy objectives which support the redevelopment of brownfield/infill sites, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development

would be acceptable and would not seriously injure the character or setting of the Architectural Conservation Area of Talbots Inch Village in which the site is located or the residential or visual amenities of the area, would not adversely impact on the character and setting adjacent Protected Structures, and would be acceptable in terms of the safety and convenience of pedestrians and road users and would not constitute a traffic hazard. 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 further plans and particulars received on the 19th 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) Prior to the commencement of development details of the materials, colours and textures of all the external finishes to the proposed buildings, surface materials and public realm finishes shall be submitted for written agreement of the planning authority.</p> <p>(b) Details of a plaque to be erected on/near the site detailing the past industrial use of the factory and its relationship to Talbots Inch Village shall be subject to agreement with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity of the Architectural Conservation Area and also acknowledge the sites historical industrial past.</p>

3.	<p>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: -</p> <ul style="list-style-type: none"> (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development; (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. (d) the omission of the proposed 4 no. formal parallel parking spaces adjacent to the open space <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Complete details (including design, size, configuration, specification, location etc.) of the signage shall be submitted to and agreed with the planning authority prior to being erected.</p> <p>Reason: In the interest of visual amenity and orderly development.</p>
5.	<p>Prior to the commencement of development, the developer shall submit the following details for written agreement with the Planning Authority:</p> <ul style="list-style-type: none"> (a) Details of materials for the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the planning authority requirements and the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

	<p>(b) Details of boundary treatment and finishes to the verge between the public road and proposed house nos. 3 and 4 to ensure visibility from the private relocated right of way.</p> <p>(c) Details of public lighting.</p> <p>Reason: In the interests of visual amenity and of pedestrian and traffic safety.</p>
6.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual amenity.</p>
7.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<p>(a) The developer shall be responsible for the ongoing maintenance of shared areas and infrastructural services pending taking in charge of the development by the Local Authority.</p> <p>(b) In the event of an application by the developer that the development is taken in charge by the Local Authority, the "Taking in Charge Protocol" as operated by Kilkenny County Council shall apply.</p> <p>Reason: To ensure the development is satisfactorily completed.</p>
10.	<p>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</p>

	<p>facilities] within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
11.	<p>The construction and demolition 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 work, noise and dust management measures, a Traffic Management Plan, details of disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and the amenities of the area.</p>
12.	<p>The development shall be managed in accordance with a Construction and Environmental 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.</p> <p>Reason: In the interest of sustainable waste management.</p>
13.	<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, 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</p>

	<p>developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
14.	<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>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.</p>

Stephanie Farrington
Senior Planning Inspector
3rd of October 2022