



An
Bord
Pleanála

Inspector's Report

ABP-311888-21

Development	Removal of existing vegetation and construction of 32 4-bedroom detached houses.
Location	Fairways Two, Killenard , Portarlinton
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	20696
Applicant(s)	Midabey Construction
Type of Application	Permission
Planning Authority Decision	Granted with Conditions
Type of Appeal	First Party
Appellant(s)	1. The Residents Fairways One & Two 2. Michelle Byrne & Dr. Paul Gallagher
Observer(s)	None
Date of Site Inspection	28 th of March 2022
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1 Killenard Village is located in northeast Laois in close proximity to the Kildare border, approximately 2.5 km from the former N7 Dublin to Portlaoise Road, 4 km from the M7 and 3 km from the town of Portarlinton to the northwest. Killenard is located within relative proximity to the urban areas of Portlaoise, Portarlinton and Monasterevin.
- 1.2 The subject is located within the extensive leisure complex called the Heritage Golf and Country Club which includes a championship and Par 3 golf course, an international bowls arena, a leisure centre, health spa, hotel, and housing.
- 1.3 The subject site is 6.6Ha and is located at the north-west section of the Heritage resort sandwiched between the championship golf course and the Par 3 golf club and driving range.
- 1.4 The site is an irregular shape and rises from south to north on a gentle gradient. There is an internal road throughout the site. The site is currently greenfield in nature, overgrown with young trees and native hedgerows along the site boundaries. From aerial photos it is clear the subject site had been previously subdivided into individual undeveloped sites, 13No. in total from the original scheme granted planning permission under Planning Reference 04/3. There are a number of large, detached dwellings backing onto and adjoining the subject site, which were developed under the original parent permission 04/3.
- 1.5 There is an access gate onto the adjoining local road, Tirogar Drive along the northern site boundary. There are two more accesses off estate roads from inside the gated area of the Heritage Resort.

2.0 Proposed Development

- 2.1. The public notices describe the proposed development as follows:
 - a) The removal of existing boundary fences & associated hedging and partial removal of the existing incomplete access road and dense undergrowth;
 - b) The construction of a 32No. four bedroom detached dwelling houses, new site boundaries, extension of access road, footpaths, connections to foul and storm drainage, public lighting, and landscaping, and

- c) All necessary site services and ancillary works necessary to facilitate the development.

2.2 There are **3No. house types**:

House Type A: 15No. 4Bed detached two storey dwellings with a floor area of 216sq.m. and ridge height 7.4metres

House Type B: 8No. 4Bed detached two storey dwelling units with a floor area of 206sq.m. with a ridge height of 7.5metres

House Type C : 9No. 4Bedroomed detached two storey dwellings with a floor area of 221sq.m. and a ridge height of 7.3metres.

- 3.3 There will be 3No. dwellings made available off site for the provision of social housing.

The proposed density is 4.8units per hectare (1.96/ acre).

3.0 **Planning Authority Decision**

3.1. **Decision**

Laois Co. Co. granted planning permission for the development subject to 17No. standard conditions. Relevant to this appeal is :

2. Foul effluent shall be collected and discharged to the public foul sewer. Prior to commencement of development, the developer shall obtain a Connection Agreement and Confirmation of Feasibility from Irish Water statutory body in this regard and submit them to the planning authority for its written agreement.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

- Sightlines are required at proposed entrance;
- A Stage 1 and Stage 2 Road Safety Audit is required, and proposals to maintain access road during construction period;

- Traffic calming measures and width of roadway required;
- Cycle lane infrastructure;
- Open Space

3.2.2. **Other Technical Reports**

Roads: Pedestrian Crossing points must be indicated, sightlines need to be indicated, Traffic volume and construction traffic, public lighting, drainage, design, cycle infrastructure.

3.3. **Prescribed Bodies**

Iarnrod Eireann

No objection but due to the proximity to the tracks there should be no increase risk to the railway. There should be no discharge, and potential owners are to be made aware of the tracks and potential noise.

Irish Water

No objection

3.4. **Third Party Observations**

- **Water:** The Heritage complex is not connected to the water mains, nor served by Irish Water. The water is sourced privately from wells on The Heritage Resort and processed and distributed to houses within the Heritage Hotel complex. The residents of the Heritage were advised by management that current levels of demands on water were unsustainable due to capacity of onsite wells. It is essential and independent water supply of sourced to serve the proposal.
- **Traffic :** All construction traffic for the project should be brought through the existing established entrance only off Tirhogar Drive.
- **Surface Water:** The attenuation proposal be reviewed to ensure there will be no impact potentially on the hotel.

- **Foul Drainage:** There have been ongoing issues within the Heritage regarding foul sewerage. The connection must be established and appropriate level of treatment or by direct connection to the public sewer under the control of Irish Water.
- **Amenities:** The scheme has no define public open space. There has been no playground included in the scheme.
- **Access:-** There are a number of large developments that will create signifigant extra load onto the local roads. There is an application for a retirement village near the railway bridge, and 42No. units beside Mount Henry Drive. The roadways are not suitable for the additional traffic.
- **Par 3 Course:** The applicants own the Par 3 course and have stopped maintaining it. Clarification is required regarding the future use of the Par 3
- **Schools:** The schools capacity is limited in the area and may not be able to cater for 32No. additional houses.
- **ESB Connection :** At the Heritage is already overburdened.
- **Social Housing:** This is to be provided off site, and the exact location must be clarified.

4.0 Planning History

4.1 *Planning Reference 04/3*

Outline planning permission for housing to be accessed via The Heritage Golf Resort, and the residents would have full access to the full leisure amenities provided for at the resort. A number of detached two storey dwellings secured planning permission and were constructed, on the original site area.

4.2 *Planning Reference 00/1030*

The Heritage Hotel was granted planning permission.

5.0 Policy Context

5.1. National Planning Guidelines

Project Ireland 2040 National Planning Framework

Sustainable Residential Development in Urban Areas Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines

Childcare Facilities Guidelines

Quality Housing for Sustainable Communities: Best Practice Guidelines

Design Manual for Urban Roads and Streets

5.2. Development Plan

In the Laois County Development Plan 2017-2023, there is a section for Killenard village which is appended to this report. The site is zoned '*Residential 1 – Established Residential*' - to protect and improve the amenity of residential communities.

The zone is intended for primarily for established housing development. It is an objective on land zoned for Residential 1 to protect established residential amenity and enhance the quality associated with open space, community uses and where an acceptable standard of amenity can be maintains, a limited range of other uses that will support the overall residential function of the area, such as schools, creches, small shops, doctor's surgeries, playing fields, etc.

KD4 Housing developments shall be of a density compatible with the prevailing density of the village, higher densities may be considered in the village centre.

Dwellings are acceptable under the land use zoning matrix

8.5 Private Open Space: A 3–4-bedroom dwelling unit shall have 75sq.m. of private open space.

5.3. Natura 2000 Sites

There are no Natura 2000 sites at or immediately adjacent to the subject site.

River Nore and River Barrow SAC (Site 2162) is 3kms metres north-west.

5.4. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed and/or urban development would occur on a site greater than 10 hectares in a built-up area the need for a mandatory EIA arises. The proposal is for the development of 32 dwellings on an urban site of 6.6Ha hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 *The Residents, Fairways One and Fairways Two*

Irish Water: There are three wells serving the Heritage estate and it is noted that Irish Water had written to Midabey on 20th of April 2020, indicated that the wells currently are not sufficient to serve all of the development and any further development would exacerbate the usage of water and the wells in situ would not be sufficient. A connection to Irish Water should be mandatory.

Foul Drainage/ Sewerage: There have been problems in the past in the respect of sewerage within the Heritage development and the surrounds. The applicant proposes to connect to the existing foul infrastructure. Two matters require clarification.

- Does the existing infrastructure have capacity to cater for 32No. additional units
- Does the applicant have direct connection to the public foul drainage without crossing third party lands

At Rathmiles Grove there has been flooding of private property due to blockages and capacity issues.

The current wastewater treatment system is not sufficient to sustain the development of a further 32No. units.

Scheme/ Amenities: There is no defined public open space area, and there should be a hard and soft landscaping plan that includes a passive recreational area. It is indicated in the planning application that a playground will be provided but this is not apparent. Killenard village is under resourced from an amenity perspective and many amenities within the Heritage Development are not being maintained.

Access: Access can be split up into four separate aspects:-

- (a) Access into Killenard village: There are a number of applications for large developments in the village, and the village is unsuitable. The local GAA club is a considerable distance from the village, generating extra traffic. There is parking and traffic problems already associated with the village
- (b) Access to the 32No. units via the Heritage estate will create access difficulties associated with the hotel and Billys World. The current infrastructure is unable to sustain it.
- (c) The driveway running past the hotel and Par 3 course/ driving range to the gated area and is the proposed access to 32No. units. It is unsafe with delivery lorries, driving range users, walkers and residents using same access. There is little scope for a footpath, and the addition of 60No. additional cars will cause significant safety issues.
- (d) From the gate onto the golf course extending part Fairway One and Fairway Two, the road will be widened to facilitate the extra traffic. There is a concern regarding this, there could be stray balls from the golf course that could affect the safety of future residents.

Gate Access : The gate entrance has a number of previous issues regarding emergency vehicles. The gate is there for security reasons. Any separate roadway/ access will require planning permission.

Par 3 Course: It is a concern the owners, Midabey Construction have stopped maintaining the Par 3 course, and this has placed a burden on the residents to carry out maintenance. There might be a vehicular access road built through the Par 3 course to provide access to the driving range carpark and the amenity will be lost

forever. Clarification is required to the future of the Par 3 course and it should be returned to the community. Residents and investors bought into the Heritage on the promise it would be a five-star resort with golf club and academy, and the applicants have a duty to maintain this. The amenities in the development have been left wanting.

Management: It is unclear what proposals are in respect of management of the 32No. units and whether the same will be taken in charge at a future date. Laois Co. Co have declined to take the development in charge on account of it being a gated community. The residents require clarification on this aspect of the application. The bond was not paid, and it is unsure if the bond will impact on the 32No. dwellings.

Schools: There have been other developments in the village, Carriglea and Killenard Lodge which were not taken into account during the calculations for the school. There are residents who cannot get their children into the school.

Construction: There are concerns regarding construction beside the tennis courts and going back towards Tirhogar Gate, which would lead to construction over the next five years in the context of traffic, health and safety which is not desirable and will cause a nuisance.

Wildlife: There is a growing population of red squirrels, foxes, pine martins, bats and hedgehogs and fauna because the area has been left to nature over the previous years, and these will be negatively impacted upon.

6.1.2 ***Drs Michelle Byrne and Paul Gallagher***

A copy of the original submission to the planning application is attached to the appeal. The appeal relates to 2No. condition attached to the permission.

Condition No. 2:

Should the Board be considering a grant of permission a condition should be attached in respect of the foul drainage. Currently the applicant is relying on a section of pipe network that passes through third party lands (see attached sketch) . This is a location where previous blockages occurred causing significant damage and public health issues for residents of Rathmines Grove and flows into their house and surrounding areas. The developer should regularise the maintenance of the pipes in the event of intensifying their usage.

Suggested Condition: Prior to commencement of development the developer should provide documentary evidence to the local authority that the foul drainage serving the scheme is either in lands under the control of the applicant or a wayleave to maintain and repair same is in place to the point at which they enter the public road and or/ supply.

Condition No. 15 relates not the longstanding issues regarding maintenance of the common areas. Residents of the housing developments to the front of the complex have applied to the Council to have their estates taken in charge. Unfortunately, this is complicated by the fact the original developer did not pay the bond despite it being stipulated in the original permission. Condition 15(a) should remain and Condition 15 (b) be omitted.

6.2. Applicant Response

6.2.2 In response to both appeals the applicant has stated the following:

a) ***Foul Sewer***

In the submission on the 10th of August 2021 from the applicant to the planning authority in response to the further information, it was demonstrated the applicant has full ownership over lands in question under Folio Numbers listed (9No. in total). A Confirmation of Feasibility (COF) as issued by Irish Water under Connection of Reference No. CDS19008248 which was updated in July 2021 and stated the proposed connection can be facilitated.

b) ***Construction access/ dust/ timeframe***

A comprehensive Preliminary Construction and Waste Management Plan was submitted on 10th of August 2021 to the planning authority confirming construction traffic will enter off the county tertiary road, L-317103 as per Drawing No. 5862-1204. No existing residents will be affected by this proposal.

The planning permission term is for five years, however it is envisaged the scheme will be completed within 18 months.

c) ***Biodiversity***

The notification of decision to grant permission states in Condition 8c that a biosecurity protocol shall be put in place to prevent the spread of invasive species to and from the site. The site has no record of any bat species.

d) ***Ongoing maintenance of green areas***

The issue of on-going maintenance is not an issue for the applicant, and is an issue between the residents, the former developer and Laois Co. Co. Gated developments are normally maintained by management companies. The proposal includes a 2metre footpath connection from the entrance to the Heritage development at L3171 all the way through the scheme, widening of the existing roadway within the development, public lighting, etc providing significant upgrades to the scheme from its current unfinished state. These works will benefit existing and future residents.

The applicant will comply with conditions 15a) and 15b) of the scheme.

6.3. **Planning Authority Response**

The planning authority had nothing further to add to the appeal.

7.0 **Assessment**

7.1 I have reviewed the proposal in the light of the Project Ireland 2040: National Planning Framework, Sustainable Residential Development in Urban Areas Guidelines, Sustainable Urban Housing: Design Standards for New Apartments Guidelines, Childcare Facilities Guidelines, Quality Housing for Sustainable Communities: Best Practice Guidelines, Design Manual for Urban Roads and Streets, the South Tipperary County Development Plan 2009 – 2015 (as varied and extended) (CDP), the Cashel and Environs Development Plan 2009 – 2015 (as varied and extended) (DP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

(i) Zoning/ Planning Policies,

(ii) Density and Design,

(iii) Development standards,

(iv) Traffic, vehicular and pedestrian access, and parking,

(v) Water/ Drainage

(vii) Appropriate Assessment.

7.2 Zoning/ Planning Policies

The relevant development plan is Laois County Development Plan 2017-2023 whereby Killenard is a designated settlement in Volume 2 of the Plan. Killenard is located within relative proximity to the significant urban areas of the county, including Portlaoise, Portarlinton and Monasterevin. The village has experienced substantial growth and development pressure. The village development envelope stretches from Mount Saint Anne's crossroads to the railway bridge in the North. The village consists of residential areas, a hotel, restaurant, extensive leisure and golf amenities, retail units, a public house, Roman Catholic and Presbyterian churches and cemeteries, a national school, community centre, shop and GAA pitch. The village centre is defined by the Catholic Church, community centre, and the national school buildings. Killenard has a diverse building stock, though most buildings are of a similar scale, detached family dwellings.

The subject site is zoned in the current development plan as **Residential 1 – Established Housing**. There was planning permission granted for 18No. serviced sites on the subject site under planning reference 04/03, only 5No. of the original sites were developed.

The subject site is accessed through The Heritage Resort and is located within a gated residential area. A service road was laid down through the subject site and provides access through the site. This road determines the layout of the scheme currently under appeal. The access road loops around the main spine road of the gated community within the Heritage Resort, with the proposed 32No. dwellings fronting onto the road.

The proposed development is within the designated village boundary as outlined on Map 2.47 of the Laois County Development Plan 2017, is zoned for residential development within an established residential pocket of the Heritage resort. The principle of the development is acceptable.

7.3 **Density and Design**

The proposed development includes for 32 Nos residential units with a mix of 3No. two storey four bedroomed detached units. Each dwelling has a large rear garden area, and there is public open space included in the scheme. The density of the proposal is 4.8units per hectare, which is low for serviced lands.

The proposed development is an extension of the Heritage resort and serves to extend the urban form of Killenard. According to development plan objective KD4 *Housing developments shall be of a density compatible with the prevailing density of the village, higher densities may be considered within the village centre.* The proposed density is low and reflects the prevailing low-density developments in the village. There is an overwhelming predominance of two storey detached units in the village. The proposed site is located within Fairways Two, and the site is within walking distance of the village centre and other amenities.

The public open space areas are marginally below the required 10% of the total site area. I consider this to be acceptable in this instance because each proposed dwelling has ample individual curtilages to cater for the amenity needs of the future residents, and the site is sandwiched between a championship golf course and a Par 3 course.

The house designs are in keeping with the prevailing architecture and house types. I consider the design overall approach to be conservative, a more contemporary approach would have introduced more architectural variety to the village. However, the site is not visible form key roads or vistas, therefore the visual impact of the dwellings will be minimal.

7.4 **Development Standards**

The houses are large, detached units (all exceeding 200sq.m. in floor area) with ample separation distance between opposing windows. There will be minor impacts to existing and future residential amenities associated with the proposal in terms of loss of privacy or overshadowing. The most signifigant impact will occur during the construction period, whereby a certain amount of nuisance/ noise may occur. However there is a condition attached regarding construction management to minimise impacts, furthermore the construction period is temporary.

The proposal complies with the development standards in terms of floor areas, garden sizes, parking and daylight/ sunlight. Given the extent of amenities with the Heritage Resort, for the Board to insist on the provision of the full 10% of the site area for public open space would be unjustifiable in planning terms.

7.5 **Drainage:**

It is proposed to discharge to the public foul sewer. The third-party appellants are concerned about this aspect of the proposal. Previously, there have been blockages and ongoing maintenance issues with the foul sewer, and the issue is exacerbated because the part of the existing infrastructure is within third party properties. There is an in-situ pumping station located at the western end of the subject site curtilage. Irish Water has confirmed capacity is in place and a connection can be facilitated.

The surface water will be collected and discharged to in-situ attenuation ponds located in the gold course due west.

The potable water is sourced from the public mains.

The site does not demonstrate any instances of historic flooding within or in the vicinity of the site. The proposed **surface water drainage** has been designed in accordance with the Greater Dublin Strategic Drainage Study. The storm and foul water sewer layout plans are per Drawings Numbers 5862-0020 and 5862-0021. As part of the original hotel planning permission, planning reference 00/1030, the surface water run off from the hotel, serviced sites and golf course would discharge into the artificial lakes and surface water attenuation ponds within the golf course. There is a new attenuation tank proposed in the green area on the north-west portion of the subject site. The attenuation tank will be designed for a 100-year storm event. The catchment for the proposed development is 7.12ha, with a 600cubic metre capacity, and an interceptor to filter out any hydrocarbon pollutants.

There was a pre-connection enquiry made to Irish Water in respect of the **foul sewer discharge** (CDS19008248). The proposed sewer connection is to the existing foul sewer network and pumping station serving the existing dwelling houses and golf course by a gravity outfall. The third-party appellants are concerned about the sewer line which they claim passes through third party lands and previous blockages have occurred. I note the location of the sewer pipe referred to in the appeals, and the existing infrastructure is beyond the remit of this

appeal. Furthermore, the responsible body in this instance would be the original developer, or Irish Water or perhaps the applicant, it is unclear from the appeal documentation, however, it is apparent the existing foul sewer line is outside of the site boundaries and cannot form part of this development proposal or decision.

I note from one third party appeal the suggested condition relating to the ownership and wayleave associated with the foul sewer be attached. Having read the condition I believe it is reasonable, and I suggest the following wording: :

Prior to the commencement of the development, full details shall be submitted to and agreed with the planning authority regarding the layout of the foul sewer serving the proposed development which traverses private property, including ownership and wayleave agreements to maintain and repair the sewer line to the point of connection to the public foul sewer manhole.

Reason: In the interests of clarity

According to Irish Water there is capacity in the public sewer to cater for the proposed development is available and can be facilitated.

7.6 **Access:** The site is accessed by internal private road network. There is an access to the tertiary road L-31703 to the north-west of the site. There is also access to the site from the village via the Heritage estate. The existing road throughout the site will serve the proposed development and the accesses are in situ.

7.6 **Other Matters Arising**

There are no protected species or special habitats associated with the subject site. The maintenance of the green areas associated with The Heritage and the Par 3 golf course are beyond the site boundaries and include facilities that are not associated with the subject site or proposed development.

One benefit to the gated residential area of The Heritage will be the provision of a 2metre wide footpath connection from the entrance of the subject site to the Heritage development. The subject site is overgrown wasteland and the proposed development will provide housing, public lighting and passive surveillance which benefits the existing and future residents.

The application documentation includes a Road Safety Audit, Pedestrian and Cycle Route Audit, Mobility Management Plan.

As part of the further information, a Waste Management Plan was submitted. The vast majority of the excavated material will be recycled throughout the site. The hours of operation are reasonable and normal.

Condition 15 (a) of the planning authority's decision to grant has been included in the schedule of conditions below and relates to the payment of a security bond.

7.7 Appropriate Assessment

There are no Natura 2000 sites at or immediately adjacent to the subject site.

River Nore and River Barrow SAC (Site 2162) is 3kms north-west of the subject site.

There is no hydrological link from the site to a European site. The proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any other European sites.

8.0 Recommendation

- 8.1. I recommend the decision to grant planning permission be upheld by the Board subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Laois County Development Plan 2017-2023, the scale and layout of the proposed development on this fully serviced site, it is considered subject to the conditions as set out below, the proposed development would be consistent with the provision of the residential zoning objective for the site and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 11th 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>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>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.</p> <p>Reason: In the interest of public health.</p>
4.	<p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p>Reason: In the interest of public health.</p>
5.	<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 and residential amenity.</p>

6.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 11th day of August, 2021. 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.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
7.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>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.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

9.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of sustainable transportation</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>Prior to the commencement of the development, full details shall be submitted to and agreed with the planning authority regarding the layout of the foul sewer serving the proposed development which traverses private property, including ownership and wayleave agreements to maintain and repair the sewer line to the point of connection to the public foul sewer manhole.</p> <p>Reason: In the interests of clarity.</p>
12.	<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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
13.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in</p>

	<p>charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
14.	<p>The construction of the development shall be managed in accordance with a Construction Environmental 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.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
15.	<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 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>
16.	<p>The developer shall pay to the planning authority a financial contribution of 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</p>

	<p>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. The application of any indexation required by this condition 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.</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>
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Caryn Coogan
Planning Inspector

4th of May 2022