



An
Bord
Pleanála

Inspector's Report ABP-312898-22.

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| Development | 21 dwellings, 9 storage buildings, farmers market and garden centre, plus renovation of a number of structures (including protected structures). |
| Location | Rowlestown, Swords, Co. Dublin. |
| Planning Authority | Fingal County Council. |
| Planning Authority Reg. Ref. | F21A/0658. |
| Applicant | SDR Site One Ltd |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse permission. |
| Type of Appeal | First Party |
| Appellant | SDR Site One Ltd. |
| Observer | None. |
| Date of Site Inspection | 3 rd April 2023 |
| Inspector | Philip Davis. |

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1.0 Introduction

This appeal is against the decision of Fingal County Council to refuse permission for a mixed residential/commercial development, including the renovation of a number of historic structures, within the small village of Rowlestown, County Dublin. Five reasons for refusal are stated, relating to Regional Strategy and development plan policy, traffic generation, traffic safety, and details of design and layout.

The site includes recorded ancient monuments and protected structures.

An NIS was submitted with the application.

2.0 Site Location and Description

2.1. Rowlestown

The appeal site is located on the north-western side of the village of Rowlestown (sometimes spelled Rolestown) in north County Dublin. The village is located roughly equidistant between the towns of Swords in County Dublin and Ashbourne in County Meath on a crossing point of the Broad Meadow River. The village is served by the R125 regional road and has a small historic core south of the river, with another residential extension on the north side, running east from Rowlestown House and its associated demesne. The village appears to have developed at a local high point and crossing of the river. On the south side, where the R125 joins a minor road that runs north, crossing the Broad Meadow River and accessing Rowlestown House there is a small graveyard on an elevated site that appears to be medieval at least in origin. Between this graveyard and the river is a small complex of abandoned buildings and mill races associated with a corn mill marked on the oldest OS maps, possibly of 17th Century origin. The Main Street of the village runs east to west along the R125 where there is a petrol station with convenience store, in addition to a number of commercial buildings including a furnishing store and auto services centre. There are cottages and small estates around this centre, but most dwellings are in modern estates to the north. There is a new primary school to the north of the river, with an abandoned school on the outskirts of the village on the western approach on the R125. There is a small hotel approximately 1km east of the village on the R125.

The population in the 2016 census was 896, with an estimate in 2023 of 941 inhabitants. The village is served by the 41B Dublin bus service which serves Dublin Airport and Swords and terminates in the village. It is also served by the no.197 Go-Ahead bus which runs from Swords to Ashbourne.

2.2. Appeal site

The appeal site, with a site area given as 3.56 hectares, is an irregularly shaped area of land on the western side of the village between the R125 and the Broad Meadow River. The site is generally flat, with a gentle decline north to the river floodplain. The site includes the abandoned national school to the west, two large fields in pasture, and the remains of the Killossery Corn Mill, a series of buildings seemingly of 17th Century date with some later additions. These were indicated as in ruins in the early 20th Century OS plans. The site includes a Mill Race, seemingly constructed from a north flowing stream flowing into the river. The site is bounded by a mix of hedgerows and drains. To the west is open farmland with the meandering river course to the north. Across the river is farmland, formerly part of Rowlestown Demesne with a prominent farmhouse overlooking the valley. The south of the site is bounded by the main road (R125), a typical regional road with a footpath on the north side constructed as far as the school. To the south-east, it bounds 10 no. early 20th century cottages. On the east side is a small, elevated churchyard with a ruined early Church (a recorded ancient monument). This is next to a bus terminus for the 41b, and opposite this is a small estate of bungalows. The bridge over the river is to the north-east. To the south, across the main road, is a scattering of dwellings and commercial buildings.

3.0 Proposed Development

The proposed development can be summarised as follows:

- 21 no. 2-storey dwellings, a mix of detached, semi-detached and terraced.
- Partial demolition and redevelopment of the old national school to provide a crèche and co-working space.
- A farmers' market with c.30 display pitches and a 120 sqm storage building.

- Renovation of the mill building to provide a museum.
- Renovation of the Millers House to provide tea rooms.
- Redevelopment of the stable to provide a restaurant/café and outdoor seating area.
- Demolition of one structure (a ruined dairy building)
- Construction of a garden centre with glasshouse of c.208 sqm.
- New public spaces along with 92 no. car parking spaces and 40 spaces.

4.0 Planning Authority Decision

4.1. Decision

The planning authority refused for five stated reasons, which I would summarise as follows:

1. It is contrary to Regional Policy Objective 4.83 of the RPES for the Eastern and Midlands area Strategy 2019-2031 as the Rowlestown LAP has expired and there is no available masterplan. It would not accord with objective SS02B to focus new development where infrastructural capacity is readily available.
2. It is considered that the development of the site would result in rapid uneven growth of the rural village, taking account Objective NPO 15 of the NPF, policy RPO 4.83 of the Regional Plan, RV land use objectives within the Fingal Development Plan, Objective PM18 of the development plan and objective RF04 of the development plan. It is considered that the proposed development is beyond the assimilative capacity of the village.
3. Taken in combination with recently permitted development, it is considered that it would result in excessive growth of the village and as such be contrary to the RV (Rural Village) zoning designation.
4. It is considered that a proper set down for the creche has not been provided.

5. It is considered that the layout of the residential elements suburban in layout and design and would thus be harmful to the visual and residential amenities of the area.

4.2.Planning Authority Reports

4.2.1. Planning Reports

- Notes RV zoning (Rural Village) and Local Objective 37 to *‘endeavour to facilitate the appropriate conservation of the Mill at Rowlestown for the enjoyment and education of future generations’*.
- Notes that it is within the Rowlestown Architectural Conservation Area and that there is a protected structure (RPS 2334) within the site, and two adjoining (RPS: 333; Rowlestown Bridge and RPS 335; Killossery church). There are three recorded monuments on or near the site – DI011-057001 ‘Water Mill’, DU011-057002 ‘Building’ and DU011-005001 ‘Church’.
- It is within Dublin Airport Noise Zone D.
- It is within the ‘Rolling Hills with Tree Belt Landscape’ and partially within the Ecological Corridor along the Broadmeadow River.
- Notes that the Rowlestown LAP 2013 is now expired.
- Notes planning history (two major developments previously refused). Noted that it is broadly the same application as that previously refused.
- It notes that Variation no.2 of the 2017 plan states that in such areas development should only take place within the context of an LAP or masterplan.
- Concerns outlined (within the context of both the former LAP and the Regional Spatial & Economic Strategy) that it is unlikely that adequate provision can be made for walking, cycling or public transport between the subject site and Swords.
- Notes the detailed archaeological assessment and geophysical investigation submitted. Noted that while no new features were discovered, the site is likely

to have further archaeological remains. The Community Archaeologist recommended a programme of archaeological monitoring.

- The architectural significance of the mill complex and the historic centre of Rowlestown is noted. It is considered that much of the mill may pre-date the 18th Century. The Architectural Heritage Impact Statement provides a detailed description of the buildings. The complex is considered to be of National Significance for its archaeological and social interest, and the adjacent graveyard may also have historic special interest due to its association with Civil War events. It is noted that the architectural Conservation Officer was favourably disposed to the proposals, but noted concerns at some elements, in particular those that appeared to interfere with the mill race. These could be addressed through condition.
- Noted that housing density at 26.25 units per hectare (based on 0.8 hectares of residential). It is considered that due to the proximity of the village the proposed housing layout is considered to be too suburban and inappropriate for the location. It is also considered that the density is excessive with regard to the impact on the rural character of the approach to the village.
- Noted that a Transport Statement and Framework Mobility Management Plan was submitted, and the site is located within the 50kph zone. The general layout is considered to be 'very urbanised'. It is noted that the swept path analysis indicates that this overruns footpaths and open space. Turning manoeuvres at the entrances are considered to be hazardous and it is noted that these were highlighted in the previous application but not addressed. Also, sightlines are considered inadequate due to the rural nature of the area. It is also stated that the proposed development is not appropriate for taking in charge due to the gated proposals. Noted that Transportation Section recommended refusal on the basis of the above and related issues.
- Further information required on issues of landscaping and boundary treatment.
- Noted that there is potential for bats on the site and the DoHLGH did not accept elements of the bat assessment submitted. Further information requested.

- Notes that the residential element is within Flood Zone C. Further information required with regard to compensatory storage and a justification test provided. There is also a requirement for a riparian buffer zone under Objectives DMS170 and DMS171 of the 2023 Plan.
- Notes proposal for a foul sewer pumping station at the north western side of the site. It is indicated that both water and foul sewer connections are feasible.
- A number of issues with surface drainage are outlined – further information required.
- Noted need for condition to address construction waste.
- The response to the previous reasons for refusal are noted.
- Notes response to departmental referral to the report. The NIS is considered to be acceptable to the planning authority.
- It is concluded that the issues raised in the previous application for the site have not been addressed and refusal for five given reasons is recommended.

4.2.2. Other Technical Reports

Water Services: Additional information required relating to the SuDs proposals and the need for compensatory storage on the site.

Transportation Section: A number of detailed concerns around parking provision, general layout, sightlines and swept path analysis are set out. Refusal recommended.

Parks & Green Infrastructure Division – no objection subject to conditions.

Architectural Conservation Officer: No objection subject to conditions.

Community Archaeologist: No objection subject to conditions.

Housing: Part V agreement required.

4.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

Department of Housing, Local Government & Heritage – no objection subject to conditions (Heritage), additional information required (Nature Conservation). This related to the loss of trees and the potential impact on bats.

4.4. Third Party Observations

Rolestown Residents Association: Generally supportive of the proposal.

5.0 Planning History

F21A/0439: Mixed use development including 21 dwellings and otherwise similar to the current proposed development. Permission refused for five reasons, similar to those for the current appeal. This was appealed to the Board (**ABP-311912-21**), but rejected due to an invalid fee.

F08A/1011: 40 dwellings granted permission (appeal to ABP under **PL06F.232634** withdrawn). An extension of time for this was later refused for three reasons relating to development plan policy and flooding – **F08A/1011/E1**

F04A/1525: (lands east of the school): Granted permission, but refused on appeal to ABP (**PL06F.212270**).

There are a number of relevant permissions recently decided of relevance to the site, including **ABP-309915-21**, permission refused on appeal for 40 dwellings; **ABP-309915-21**, permission refused for 50 dwellings, **ABP-309135-21**, permission refused for 73 no. houses, and **ABP-308526-20** - permission granted for 24 units plus nursing home. **ABP-306182-19** on a site north of the river was granted permission by the Board under SHD for 130 dwellings with a childcare facility.

6.0 Policy Context

6.1. Development Plan

The site is within the designated zoned 'Rural Village (RV) for which it is an objective to *'protect and promote the character of the rural village and promote a vibrant community in accordance with an approved land use plan, and the availability of physical and community infrastructure.'* This is essentially the same as the zoning in

the previous development plan, at the time of the decision to refuse. Rowlestown is indicated as a 'town and village' in the 2023-2029 County Development Plan (similarly in the previous development plan) – this is the lowest category of urban area within the development plan hierarchy (Table 2.10 and Table 2.21). It is indicated as having an estimated growth of 185 persons to the end of the plan period. It is noted (3.5.15.1) that rural settlement strategy does not apply to villages such as Rowlestown.

The current development plan states (Table 2.18) that a Masterplan for the village is to be completed during the 2023-2029 period. It is indicated that Rowlestown needs a pumping station upgrade for wastewater treatment.

The site is within an Architectural Conservation Area and includes a protected structure (Killossery Mill Complex & House) and a recorded ancient monument (mill complex).

6.2. EIAR Screening

The proposed development is not listed in Schedule 5 (Part 1 or Part 2) of the 2001 Regulations as amended and does not meet the requirements for sub-threshold EIAR as outlined in S.103 of the 2001 Regulations as amended. No EIAR is therefore required.

6.3. Natural Heritage Designations

There are no designated habitats within the immediate vicinity of the site. The site adjoins the Broadmeadow River, which drains to the Malahide Estuary which has an SPA and SAC – site codes 004025 and 000205. These designated habitats are around 6km downstream from the site. Rogerstown Estuary SPA and SAC is within 10 km but is not within the same water catchment.

7.0 The Appeal

7.1. Grounds of Appeal

- Before addressing the core reasons for refusal, the proposed development is described, and it is noted that the local resident's association was supportive, and the Council's Heritage Officer was supportive of the conservation work.

Reason no.1:

- It is argued that the proposed development is not contrary to RPO (regional policy objective) 4.85 as a number of recent planning permissions have set the precedent for expansion of the village, and the proposed development provides for a more balanced provision of services and restoration of existing fabric. It is noted that recent refusals within the village by ABP have been of peripheral sites, not part of the village core. A map is submitted providing an overview of recent permissions.
- It is noted that policies in the regional plan prioritise the regeneration and revitalisation of towns and villages.
- It is noted that the Fingal Development Plan Settlement Strategy identified the potential for 877 additional units in the four villages in the Metropolitan area. It is argued that the proposed 21 units would accord with this policy.
- It is argued in some detail that the planning authority did not fully take account of other policies relating to the revitalization and safeguarding of villages, and the overall benefit of the restoration of the buildings on site. It is also noted that the policy does not say that permission cannot be granted within settlements without an LAP in place. It is argued that refusing on the basis of an absence of the LAP is not consistent with to the Sustainable Residential Developments in Urban Areas guidelines and national and local policies with regard to the consolidation of existing settlements.
- It is argued in conclusion that the planning authority has misapplied existing policies, and that a mixed use development such as that proposed is generally in accordance with national, regional and local plans and policy objectives.

Reason no.2:

- The applicant outlines a detailed argument referring to NPO 15; RPO 4.83; Objective PM18, RF04 and the RV zoning from the development plan, and the overall character and nature of the village in support of an argument that the proposed development is fully in line with overall objectives to protect and enhance the character and economic base of such villages and to ensure the re-use and rehabilitation of existing structures, including the protected structures and school buildings.

Reason No.3:

- It is argued that the proposed development represents a modest increase in the number of dwellings, but also a very significant enhancement to the village with regard to the provision of a café, farmers market and other attractions.

Reason no.4

- A detailed response by DBFL Consulting Engineers is provided. This states that in line with DMURS the car parking and set down design is fully in line with DMURS and that the visibility splays are appropriate for 60kph areas (the site is within the 50kph zone). It is submitted that there is no evidence that the proposed design would be hazardous and there is no justification for arguing that it would be unacceptable in safety terms.

Reason no.5

- A detailed response by PA architects is submitted. This report submits that the layout and design are similar to those permitted elsewhere and are fully in line with principles of good design for such an area. A number of visualisations are provided within the report and associated documents in support of this argument.

7.2.Planning Authority Response

The planning authority did not respond to the grounds of appeal. I note that most of the points raised by the applicant were raised in response to the previous refusal on the site – the planning authority addressed these points in detail at the end of the main planning report on file.

7.3. Observations

None on file.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following broad headings:

- Principle of development
- Design and layout
- Cultural heritage
- Amenity
- Traffic and Transport
- Drainage, services and flooding
- Ecology
- Appropriate Assessment
- Other issues

8.1. Principle of development

Rowlestown (or Rolestown) is a small village located between the two larger towns of Swords and Ashbourne, on the outer edge of the Dublin commuter belt – Dublin Bus 41b terminates next to the site. While having a long history, with a medieval or earlier graveyard at what was probably a long established crossing point of the river and a busy corn mill complex dating back to possibly the 17th Century, it was never a significant village in terms of population or local services at any time. When the mill ceased to operate – possibly in the late 19th Century, the village's main role would have been in its association with the Rowlestown house demesne and its service to a very local population. The current population mostly resides in relatively recent small housing estates north of the river and is around 900 people. The village has a new national school north of the river, a service station with a Centra convenience store and café, in addition to a small block of commercial buildings that include a hairdresser and gym. There is a small hotel around 1-km to the east

along the R125. The village probably developed around the small medieval churchyard and the crossing point, with the mill and nearby demesne being its main reason for its existence over several centuries, despite its apparent absence over this time of a distinct main street or market centre.

Along with three other such villages, it is designated in the current development plan (adopted April 2023) and the previous development plan as a 'town or village' at the lowest level of the development hierarchy, where general policies (but not rural settlement policies) apply. There is no specific residential or commercially zoned lands within the village. The former LAP has lapsed – the 2023 Development Plan indicates that a masterplan is to be implemented for the village over the lifetime of this plan.

The appeal site is within an area that has historically been part of the village – it incorporates the old mill which is at least 300 years old and possibly more, in addition to the now superseded national school, which is in a semi-derelict state. It is mostly within the 50kph zone of the village. While more recent permitted developments have been to the north of the river, I would consider this site to be indisputably within the boundaries of the village and part of any natural growth area of the settlement, notwithstanding any limitations that may arise from the proximity to the floodplain and the historic remains. The site is also served by public water and sewerage, albeit it will require a pumping station.

The applicant and the planning authority have cited policies in national, regional and development plan guidance and objectives in support of their arguments. Without getting into the details of such plans, the broad policy context is quite clear – there are policy objectives at all three levels which support the sustainable growth and rejuvenation of such villages, while only supporting housing and commercial developments on zoned lands which achieve overall housing and economic targets and do not generate unsustainable commuting patterns. In this regard, the 'RV' zoning for the site reflects that developments in the absence of an LAP or masterplan are open to consideration if they are clearly of benefit to the village and do not contradict other clear objectives in national, regional and local policy such as reducing the need for car based transport and are in accordance with wider established planning and environmental policy objectives.

In this regard I would concur with the applicant that a general policy based refusal for the proposed development as premature pending a masterplan/LAP is not justified if the proposed development can be demonstrated to be satisfactory with regard to overall planning considerations and is not contrary to other clear policy objectives. In this regard I would consider that it should be addressed on its own merits.

The planning authority and applicant has also noted that while there is a previous refusal on the site by the Board, a number of applications for residential development have been permitted on appeal within the village. These do not yet appear to have been implemented. These include **ABP-306182-19** where permission was granted for 130 dwellings and a creche and 28 unit development (including nursing home) also recently granted (**ABP-308526-20**). It does seem therefore that the principle of allowing further expansion of the village has been accepted in previous decisions and it does not appear from the submission by Irish Water that the physical limits of water and sewage supply have been reached. Both the latter developments are permitted on greenfield sites north of the river and accessed via the third class road network. I do note that other recent appeals, including **ABP-306955-20** were refused for reasons relating to overall policy and the unsustainability of large scale residential development for the village. There has been a certain level of inconsistency in recent decisions which seems largely to be a reflection of the ambiguities of the overall policy context for the village. Refusals have specifically referred to the issue of sustainable travel patterns – the village is connected to Swords and Dublin by a bus service – but it would seem inevitable that most residents of new build in the village would be commuters and would be dependent on the private car for many journeys as the village has only very basic retail and entertainment options.

In addition to the regional guidance, development plan, other statutory plans referred to above, a number of national and regional policies apply, including (not exclusively):

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009);
- Design Standards for New Apartments (March 2019 and updated)

- Urban Development and Building height Guidelines 2018;
- Design Manual for Urban Roads and Streets (2013);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020);
- The Planning System and Flood Risk Management (2009);
- Childcare Facilities: Guidelines for Planning Authorities (2001).

I note that the proposed development involves a relatively small number of dwellings compared to some recent applications in the village while including the restoration of both the historic buildings and the school, which is certainly a significant point in its favour.

I would conclude from the policy context, the nature and location of the site, the relatively small number of dwellings proposed, and recent planning decisions in the village that the proposed development, while not fully supported by an active LAP or Masterplan, would not be in principle contrary to any national guidelines.

I therefore consider that it should be addressed on its own merits with regard to the key planning and environmental considerations addressed below.

8.2. Design and layout

The overall design is for the development of the existing school building as a childcare facility, a variety of commercial/tourist uses within the old mill complex, a farmers market with storage on the western side, an area of public open space on the north side of the site (much of which is within the flood zone of the river) and a residential area of 2-storey houses between the two. The houses and commercial developments would be accessed via a single new road running north from the R125, just within the 50kph speed zone for the village. There would also be a separate pedestrian access from the R125 to the commercial area. The proposed dwellings would be partly set back from the main road. The design of these dwellings would be relatively conventional – described as ‘suburban’ by the planning authority. The layout of these houses would be largely conventional, aligned on an east west axis parallel to the road.

The proposed density is approximately 26 units per hectare, which is significantly lower than would normally be acceptable but as a village extension is in accordance

with the 2009 Guidelines and the former LAP. While I would consider a higher density and more 'urban' design for this site to be more appropriate for a site of this type, having regard to the overall layout and context I would consider it to be acceptable.

Extensive open space is proposed in fields north of the site on the floodplain. This has the potential to be a valuable amenity for the village and would complement the commercial uses, in addition to enhancing the setting of the protected structures, which have the potential to be a significant draw for a village which currently lacks any real commercial core or even an independent café or public house.

While I would concur with the view of the planning authority that the overall design and layout of the housing element could be improved, I would consider it generally acceptable and to represent a positive addition to the village. The overall layout allows for a reasonable degree of permeability through the development, in particular for non-car users. While there are concerns about safety aspects to the layout (discussed further below), I consider that it is acceptable and specific issues can be addressed through condition.

8.3. Cultural heritage

The appeal site includes both recorded ancient monuments and protected structures and adjoins a number of sites of historical, architectural and cultural significance. In addition to an archaeological assessment, the applicants submitted a detailed Architectural Heritage Impact Assessment which includes a detailed photographic survey and fabric analysis.

This survey does not identify the date of the buildings, but it is clear that there have been corn mills on this site dating back to at least the 17th Century, and it seems likely that the existing semi-ruined buildings have at least some fabric dating back to this period. The NIAH identifies the complex as of national importance. The buildings are in a poor state having been abandoned for at least half a century, but are not beyond repair or restoration, with the exception of the remains of one small structure which is considered beyond repair and it is proposed to remove it.

The archaeology survey of the wider lands did not identify clear remains, but given the nature of the site and its history it seems likely that there is potential for remains of archaeological interest to be revealed if there were excavations.

The Heritage Section of the Department of Housing, Local Government and Heritage stated that they were satisfied with the details provided and had no objection to the works subject to condition. The Council Conservation section also had no objection in principle subject to condition, although they raised concerns about potential intervention on the old mill race, with issues to be clarified. I would concur with these views – the proposals as submitted are generally sympathetic to the existing structures and the proposed uses are appropriate. I would conclude that the structure identified for removal is beyond any reasonable use and would not constitute a significant loss to the complex as a whole.

There are two recorded ancient monuments/protected structures close to, or adjoining the site – the graveyard with remains of a medieval (or possibly earlier) Church on the east side, and to the north-east the stone arched bridge over the river. The bridge arch is currently only clearly visible from private lands on either side. The churchyard is striking and unusual as it is raised well above ground level – it is unclear as to whether this is a natural or artificial platform. Its oval planform would indicate a very early date. The highest point of the roofs of the mill buildings are well below the graveyard levels, so the structures will be clearly visible, albeit they will not directly impact on the ambience of the graveyard. I would conclude that while tree and vegetation removal for the works could potentially have a minor local impact on the overall context of these sites, restoring the mill buildings and allowing access to the mill/riverside will enhance the overall setting.

I would conclude that the information submitted with the application is sufficient to assess the conservation impacts of the proposed works, and that subject to conditions, the overall impact on cultural heritage would be positive.

8.4. Amenity

The site does not directly adjoin any other dwellings – the closest are the crescent of mid-20th century cottages opposite the service station and those opposite the R125 to the south. There is sufficient separation distance between the proposed

dwellings to ensure there would be no direct impact on the amenities of these (or other dwellings) by way of overlooking or overshadowing/loss of light.

Policy objective DMSO22 of the Development Plan states: *'Require Daylight and Sunlight analysis for all proposed developments of 50+ units or as required by the Planning Authority, depending on the context of the site and neighbouring property as well as the design of the development.'* It refers in this regard to the BRE Guidelines. The Planning Report submitted with the document referred primarily to Irish Departmental guidelines, and the planning authority has accepted that in terms of internal amenity and private open space, the proposed development is in accordance with development plan and other guidelines. I am satisfied that this conclusion is correct and that all the dwellings satisfy set guidelines for internal and external amenity.

The planning authority states in their report that they consider the residential design to be substandard and does not address the overall design context of the village, but is generally in line with guidelines, including for play spaces, public open space, and DMURS with regard to the access roads. I also note the submissions from other Council bodies and the Department with regard to details of design, including the proposed removal of mature trees and landscaping.

I would not disagree with the planning authority that the residential design could certainly be improved and is somewhat disappointing compared to the other elements, and I would also agree that the removal of some of the mature trees is not appropriate, especially with regard to ecology issues (discussed more below). But I do not consider that these justify a refusal. I would recommend that the overall design and amenity can be improved by way of condition, and I would recommend this to the Board.

8.5. Traffic and Transport

The village is small and is served by Dublin Bus 41b, which runs 4 times a day. This bus takes 16 minutes to get to Swords and over an hour to Dublin City Centre. The bus stop is just east of the site at a terminus. There is also a bus service stopping at the village running between Swords and Dunboyne. The R125, running between Dunboyne and Swords, is a narrow busy regional road with just narrow footpaths within the village and as such would not be particularly suitable for cycle commuting

or walking outside the village. The site is within the 50kph traffic control area. The areas north of the village served by the third class road network are much quieter. The village has a relatively limited range of services and just a primary school, so it can be anticipated that most future residents will be very car dependent for most journeys.

The site at present has just a farm access from the road – previous accesses to the former school and the mill both from the main road and the road to the east are blocked off and secured. The proposed primary access to the site is a link road through the proposed housing, which in turn provides access to the mill/garden centre to the rear and the farmers market next to the restored school. There is a footpath connecting the proposed site access to the convenience store within the village, and although there are no footpaths past the bridge, it is a quiet and pleasant walk on minor roads to the new national school.

The proposed dwellings will increase road pressure on the area (trip generation predictions are outlined in section 5 of the Transportation Analysis submitted), but I note that the Board has recently granted permission for a significant number of dwellings in a SHD case in the village north of the river. I also note that while the mill restoration and farmers market is likely to draw traffic to the village, conversely increasing services such as a café within the village may balance this out by reducing some shopping and other journeys. I would therefore conclude that in terms of overall net travel patterns the proposed development is not contrary to national, regional and local planning objectives with regard to sustainable travel patterns.

The proposed development would have a significant number of on-site parking spaces (summarised in Table 4.2 of the Transportation Analysis submitted). The farmers market obviously has potential to create intense peaks of car use and deliveries, but parking provision seems reasonable and there does not appear to be a particular problem with overflow parking within the village.

The Council Traffic Section had a number of strong objections to the overall design and layout. Specifically, it is considered that the proposed main access is substandard with regard to sight lines, and that there is insufficient turning space within the site according to the swept path analysis. A number of other concerns

were raised regarding parking, the drop off area for the creche and the absence of a Road Safety Audit.

I would concur with the argument submitted by the applicant that it is inappropriate to require sight lines above and beyond those required for a 50kph zone in DMURS on the basis that the road is heavily trafficked and speeds may well be consistently above the legal limit. I would be concerned at high speeds at this point, but this is a matter of enforcement and road design – the site and the access are within the village boundaries and so the appropriate standards for a village, as opposed to an 80kph or 100kph trunk road should apply.

While I would accept that there are significant issues to be resolved with the application with regard to internal movements, the allocation of parking, and set down movements, I do not consider that these justify a refusal. Ideally, these should have been resolved at an early stage of the application. But on the basis of the information submitted, I conclude that these matters can be addressed by way of condition without substantively altering the overall layout of the proposed development.

8.6. Drainage, services and flooding

The site is served by the public water supply and there is a foul sewer connection for the village, although a pumping station is required due to the low level of the site. It is indicated that Irish Water has no objection to a connection or the pumping station.

The site now drains naturally (apart from hardstanding around the school) – it is proposed to implement a SuDs drainage strategy that includes the provision of a number of attenuation tanks. The Engineering Services Report attached states that this will match run-off to that which occurred prior to development.

Parts of the site are within Flood Zone A and Flood Zone B – the Flood Risk Assessment attached indicates that there is one watercourse running through the site (Rowlestown West River, i.e., the former mill race). It is also indicated that there is a drainage channel which is to be reinstated (this runs between the school and the housing parts of the site). The initial assessment indicates that the site is predicted to be affected by fluvial flooding and possible pluvial flooding. The final predicted flood map (Figure 4.2 of the Flood Risk Assessment) indicates that the

flood risk (1% and 0.1% AEP) area will be confined to the proposed open space and the area immediately around the mill race and a reinstated drainage channel between the proposed housing and the former school. The corn mill buildings are within a potential flood zone.

It is indicated that all the proposed development is within 'appropriate' Flood Zones as defined by the OPW Guidelines. I note that there was no objection on flood grounds by planning authority and consultees.

I would conclude that the site is satisfactorily served by water and drainage services and the overall drainage design would not materially impact on flows in the river. The choice of uses is in accordance with OPW guidance on flooding. I note that the planning authority highlighted a number of ambiguities in the plans with regard to the mill race (Rowlestown West River), I consider that these can be addressed by way of condition without impacting on the overall design or the conclusions of the NIS.

8.7. Ecology

In addition to the NIS, the applicants submitted an ecological study of the site and a bat survey. This identified a number of locally valuable but common habitats on the site (grasslands, hedgerows, mature trees) in addition to the two watercourses (a natural stream and the former mill race) connecting to the Broadwater River. The DoH LGH noted that what it considers to be an excessive number of mature trees are proposed to be removed.

The bat survey indicated that the site is of high local importance for bats, which is unsurprising as the combination of abandoned buildings, open water, and mature trees provides important roosting and feeding habitat. The survey identified four species of bat detected (all four are protected under domestic law). The level of activity was considered low.

In addition to bats, it was noted that the Kingfisher (Annex I species) may be present in and around the river and it is likely that the drains/watercourse would provide suitable habitat for some amphibians and invertebrates.

The habitat survey indicated that the site is likely to have local importance for a range of birds, mammals and other species and outlined a number of mitigation measures that could be applied. I note that it does seem likely that bats may roost

or breed in the school building and as such specific legislative requirements may well apply for the removal of these during works.

Both the DoHLGH and the Council Conservation Officer commented on these surveys and expressed a number of concerns, specifically relating to the removal of mature trees, but neither objected to the overall principle of development or the overall level of information provided. I would concur with this – while the site clearly has significant local value, I would conclude that with specific mitigations on vegetation removal and pre-works surveys to identify and safely remove any bat roosts I would consider that the works would not negatively impact on any protected species or result in an unacceptable loss of habitat.

8.8. Appropriate Assessment

An initial screening noted that there are no EU designated habitats on or close to the site. But the proposed works are on lands whereby two watercourses enter the Broadwater River, which drains to the Malahide Estuary which has an SPA and SAC – site codes 004025 and 000205. These designated habitats are around 6km downstream from the site. Rogerstown Estuary SPA and SAC is within 10 km but is not within the same water catchment. Due to the direct pathway, there is a potential for impacts and as such the former two designated habitats cannot be screened out. Due to the distance from other habitats within 15km and the absence of pathways to Rogerstown Estuary I am satisfied that the screening was correct to screen out all designated habitats apart from the Malahide Estuary SPA and SAC.

An NIS was submitted with the application following the screening.

The Qualifying interests of the Malahide Bay SAC are as follows:

| |
|---|
| Mudflats and sandflats not covered by seawater at low tide |
| Salicornia and other annuals colonising mud and sand |
| Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) |
| Mediterranean salt meadows (<i>Juncetalia maritimi</i>) |
| Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) |
| Fixed coastal dunes with herbaceous vegetation (grey dunes) |

The Conservation Objective is to maintain the favourable conservation status of the above habitats.

The Malahide Bay SPA has the following qualifying interests:

| |
|--|
| Great Crested Grebe (<i>Podiceps cristatus</i>) |
| Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) |
| Shelduck (<i>Tadorna tadorna</i>) |
| Pintail (<i>Anas acuta</i>) |
| Goldeneye (<i>Bucephala clangula</i>) |
| Red-breasted Merganser (<i>Mergus serrator</i>) |
| Oystercatcher (<i>Haematopus ostralegus</i>) |
| Golden Plover (<i>Pluvialis apricaria</i>) |
| Grey Plover (<i>Pluvialis squatarola</i>) |
| Knot (<i>Calidris canutus</i>) |
| Dunlin (<i>Calidris alpina</i>) |
| Black-tailed Godwit (<i>Limosa limosa</i>) |
| Bar-tailed Godwit (<i>Limosa lapponica</i>) |
| Redshank (<i>Tringa totanus</i>) |
| Wetland and Waterbirds |

The Conservation Objective is to maintain the favourable conservation condition of the above species.

Both designated sites are characterised by habitats/species associated with estuarine saline waters, with mudflats, dunes and littoral waters. The focus of the conservation objectives is to protect the specific habitat types and prevent the deterioration of water quality. The primary identified potential impact is sediment or other pollutants from the site (construction or operational) impacting the River Broadwater, which is the primary watercourse discharging into Malahide Bay. Due to the proximity of the site to the Bay there is not much attenuation, and the qualifying interest include species and habitats that are potentially sensitive to water pollution.

There are no other identified pathways for impacts.

The NIS addressed the relevant issues and notes in particular the potential for contaminated run off from the two watercourses running through the site (in this

regard, I noted that water quality in the mill race appeared to be poor on visual inspection). A series of standard mitigation measures are set out for the control of water during construction, and from the operation of the residential and other uses – it is proposed to use a SuDs based drainage plan including swales and other methods to slow down run-off and provide for natural amelioration of any contaminated waters running off from hard surfaces. It concludes that the proposed development would not significantly impact on the designated habitats.

I am satisfied that this conclusion is justified and correct, but I note that there are a number of details of mitigation which would have to be agreed in more detail with the planning authority and possibly Inland Fisheries Ireland prior to works commencing. I would note that caution must be taken over conditions altering some of the proposed works, in particular those regarding mature trees and the mill race, as these could have the potential to alter the underlying assumptions in the assessment of the NIS. Notwithstanding this, I conclude that any alterations recommended by conditions below would be adequately mitigated by the measures set out in the NIS and in the Construction Waste and Environmental Management plan submitted with the application.

I am therefore satisfied that in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended the NIS is adequate and addresses the key concerns and that its conclusions are correct.

Having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on the Malahide Bay SAC and SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites 004025 and 000205, or any other European site, in view of the sites Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

8.9. Other issues

The proposed development would be subject to a development contribution under S.48 of the Act. A bond would also be required for completion. It is indicated on the file that a Part V agreement would be required.

I note that a 'Preliminary Construction and Environmental Management Plan' was submitted with the application, and this is the basis for some of the mitigation assumptions in the NIS. I would recommend that a fully revised and updated version be set by condition and this should address any alterations set by condition and agreed with the planning authority.

I note concerns outlined in the Planning Report about the nature of some road/path surfacing materials proposed – they are not considered appropriate for taking in charge. There is also some ambiguity about whether a gated access is appropriate. A condition would be appropriate to address such issues.

9.0 Recommendation

I recommend that subject to the conditions set out in Section 11 of this report, the Board grant permission for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the Fingal County Council Development Plan 2017-2023 and the Fingal County Council Development Plan 2023-2019;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) the nature, scale and design of the proposed development and in particular the relatively modest number of dwellings proposed;

(e) the availability in the area of a limited range of educational, social, community and transport infrastructure;

(f) the pattern of existing and permitted development in the area;

(g) the submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the plans and policies set out in the development plan, the zoning designation, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall provide for the following:-
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
 - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and

exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings and surface paving and finishes shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4.
 - a) All screen walls shall be as shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.
 - b) (b) All rear garden walls shall be as shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all

estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of legibility and to ensure the use of locally appropriate place names for new residential areas.

6. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before the dwellings and any of the commercial units are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

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

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety

9. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

12. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or

damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

13. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

14. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees and hedges and identified as 'to be retained' on landscape drawings, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees and hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

15. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity

16. An ecological management scheme including reference to phasing/construction timing and landscaping for the proposed development, with an objective of maintaining a habitat of mature trees and hedgerows present within the site, shall be implemented as outlined in the application details unless otherwise submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed scheme. The developer shall appoint a suitably qualified Ecologist and Arborist to prepare mature tree survey and Woodland Management Plan. Justification for the felling of any mature trees must be given. Measures to protect trees from damage at construction and operational stages and measures to replace any failed trees must be included. The plan must include a map/drawing showing the location of the five wooded green corridors within the development site, the 60 new trees proposed as a green screen along the northern boundary of the development, replacement hedgerow/trees along the southern boundary and any trees to be retained and felled and any other Red Kite mitigation measures.

(b) A Recreation Management Plan shall be prepared so that recreational use to the development site can be integrated with bat conservation. The plan shall consider how to best limit recreational use of the adjoining land in order to prevent disturbance to bat roosting habitat.

Reason: To ensure the preservation and protection of flora and fauna within the site.

17. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

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

Reason: In the interest of public health.

19. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in

accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

21. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - b) Location of areas for construction site offices and staff facilities;
 - c) Details of site security fencing and hoardings;
 - d) Details of on-site car parking facilities for site workers during the course of construction;
 - e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Philip Davis
Planning Inspector

21st April 2023