



An
Bord
Pleanála

Inspector's Report ABP-312988-22

Development	Construction of three dwellings and all ancillary site works
Location	32 Castilla Park and 81 Blackheath Park, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2928/21
Applicant(s)	Denali Holdings Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Gerard Guidon Maureen and Jonathan Barry Thomas and Phylomena Byrne Shay and Eimear Lydon Aoibhinn Hamill and Others Thomas Vickers and Celine Rogers
Observer(s)	Sean Haughey TD

David Cotter
Sinead Flanagan and Paul Mulligan
Des and Ann Crotty
James, Brian and Brenda O'Sullivan
David and Francis Gorman
Gonzalo Martin
David Killen
Margaret Candell
Colm Rath
Aodhan O Riordain TD
Diarmuid and Stephanie Murphy
Brian Martin
Cian O'Callaghan TD
Glenn Woley
Cllr. Catherine Stocker
Karl Ackland
Clontarf Residents Association
Orla Vickers
Michael Bredican and Others
Cllr. Deirdre Heney
Cllr. Naoise O Muiri

Date of Site Inspection

September 08th, 2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The site, which has a stated area of approximately 0.2 hectares, is located to the rear of Castilla Park and Blackheath Park, Clontarf, Dublin 3. No. 32 Castilla Park currently contains an end-of-terrace dwelling while No. 81 Blackheath Park contains a semi-detached dwelling.
- 1.2. This is a mature residential area, characterised by two-storey, semi-detached and terraced dwellings.

2.0 Proposed Development

- 2.1. Permission is sought for

(a) Construction of 3 no. dwellings comprising:

- 1 no. three storey (comprising 2 storey plus dormer) (c. 237sq.m) 5-bed semi-detached and
- 1 no. three storey (comprising 2 storey plus dormer) 4-bed semi-detached house (c. 198 sqm) to the rear of the existing house at 32 Castilla Park; and
- 1 no. 2 storey 2-bed detached dwelling (c. 130sqm) to the rear of the existing house at 81 Blackheath Park;

(b) Proposed works also include:

- Removal of existing single storey side extension, provision of new side and rear two-storey extension, partial conversion of attic to provide a study and external alterations at 32 Castilla Park.
- New vehicular and pedestrian access from Castilla Park
- All associated site development works
- Access to the proposed development is from Castilla Park.

3.0 Planning Authority Decision

3.1. Decision

The planning authority GRANTED permission, subject to 14 conditions.

The planning authority requested FURTHER INFORMATION in relation to submission of:

- (1) Ecological survey
- (2) Tree survey, tree impact assessment and tree protection plan
- (3) Address concerns in relation to proposed dwelling to rear of No. 81 Blackheath Park relating to inadequate separation distance to the existing house; the depth, north facing aspect and usability of the proposed rear garden area; and amenity issues due to potential excessive overlooking from the proposed terrace to the front at first floor level

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Considered that the applicant adequately addressed the issues raised as Further Information
- The proposed development shall require on-going mitigation measures to ensure its ecological compatibility with the site.
- Recommends a decision be made to grant planning permission for the proposed development.

3.2.2. Other Technical Reports

Transportation Planning Division- no objections, subject to conditions

Drainage Division- no objections, subject to conditions

Parks, Landscape and Biodiversity Division- objections to removal of trees

3.3 Prescribed Bodies

- 3.3.1 Department of Housing, Local Government and Heritage (dated 04/08/2021) - requested Ecological Assessment of subject site as part of Further Information request

4.0 Planning History

1094/21

Permission GRANTED for demolition of existing single storey side garage, rear extension and eastern chimney, the partial removal of the rear roof and part of the existing rear first floor bedroom and the construction of an extension to the existing two-storey house, widening of the existing entrance gateway from Blackheath Park and all associated site development works.

4472/19

Permission GRANTED for a two bedroom, two storey detached dwelling house in the existing rear garden of 91 Blackheath Park and ancillary site works. Decision of the Planning Authority was UPHeld by An Bord Pleanála following an appeal (ABP-307180-20)

5.0 Policy and Context

5.1 National Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets

- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Climate Action Plan
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities

Other policy documents of note:

- Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly
 - Dublin Metropolitan Area Strategic Plan
 - Housing For All
 - National Planning Framework
- Objective 35
Increase residential density in settlement, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2 Development Plan

The Dublin City Development Plan 2016-2022 is the operative City Development Plan.

The site is in an area zoned 'Objective Z1' which seeks 'to protect, provide and improve residential amenities'.

'Residential' is a permissible use under zoning 'Objective Z1'.

Section 16.10.9 Corner/Side Garden Sites, Section 16.10.8 Backland Development and Section 16.10.10 Infill Housing are noted

Appendix 17 sets out development management guidance.

Policy QH1: To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009)

Policy QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

5.1. **Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.2. **EIA Screening**

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

In total, six appeals were received. All submissions have been taken into account in my assessment. Reference is made to more pertinent issues, which are expanded

upon, within the main assessment. The issues raised of concern can be broadly categorised under the following headings:

- Principle of development/contrary to Development Plan/materially contravene zoning objective
- Impacts on residential amenity- overlooking, overshadowing, overbearing, noise/disruption impacts, dirt; devaluation of property
- Impacts on character of area; height and scale of proposal; overdevelopment
- Traffic and transportation concerns- inadequacy of existing road network; insufficient parking; increased traffic, safety, congestion, access for waster/emergency vehicles, illegal parking, sightlines; Condition No. 14
- Environmental concerns including tree removal and impacts on badger sett
- Pressure on existing services
- Setting of precedent/ possible further future development

6.2. Planning Authority Response

If permission is granted, requests that the following condition be specifically included:

- Section 48 development contribution condition
- An open space condition
- Bond condition

6.3. Observations

As stated above, in total 22 observations were received. The observations included submissions from five elected members, expressing their opposition to the proposed development. An observation from one residents' association was received. The issues raised in the observations are broadly similar to those summarised above, in relation to the appeal submissions. Additional matters raised include:

- Increased risk of flooding
- Appropriate assessment

6.4. Applicant Response

Two responses were received from the first party. No new planning matters raised. The following is noted:

- Proposal will make better use of an underutilised site, deliver much needed additional housing and is designed in line with the policies contained within the adopted CDP and all other relevant standards including DMURS

6.5. Further Responses

No new planning matters raised

7.0 Oral Hearing Request

- 7.1 There was one oral hearing request from Maureen and Jonathan Barry. It was considered that there is sufficient information on file to allow for a full and proper assessment without recourse to an oral hearing. In this instance, the request for an oral hearing was refused.

8.0 Assessment

- 8.1. I have read all the documentation attached to this file including inter alia, the appeal submissions, observations, further responses, the report of the Planning Authority, in addition to having visited the site. The primary issues, as I consider them, are

- Principle of proposed development/policy context/future development
- Impacts on amenity
- Traffic and Transportation
- Biodiversity
- Other matters

- 8.2. The proposal provides for the construction of three dwellings in the rear gardens of 32 Castilla Park and 81 Blackheath Park, Clontarf, Dublin 3 with vehicular access proposed through Castilla Park. The proposal also includes for some works to the existing property at 32 Castilla Park.

8.3. Principle of proposed development/Policy Context/Future Development

- 8.3.1 I have had regard to the submissions received in relation to this matter. Section 16.10.8 of the operative City Development Plan deals with backland development while section 16.10.10 deals with infill housing. Backland development is generally defined as development of land that lies to the rear of an existing property or building line. I consider the proposal before me to represent backland, infill development.
- 8.3.2 Having regard to the nature and scale of development proposed, namely an application for three residential units, located on lands on which such development is permissible under the zoning objective, I am of the opinion that the proposed development is acceptable in principle and consistent with the zoning objective for the area.
- 8.3.3 In addition to the zoning objective, I have also had regard to the Council's Core Strategy with respect to housing. The core strategy states that the policies and objectives of the Plan promote intensification and consolidation of the city which will be achieved in a variety of ways including infill development. The proposal underpins the principles of a compact city, with good public transport options and a range of services and amenities existing within this established area of the city. I am satisfied that the proposal is in compliance with the operative City Development Plan in this regard. The proposal is also considered to be in compliance with national guidance in this regard in relation to the densification of established parts of the city.
- 8.3.4 It is noted that a plan showing Indicative Future Development on the adjoining lands was submitted with the application documentation. This has raised concerns in some of the submissions received. The applicants are not proposing any works within lands outside of their control and therefore no consent is required. I consider it to be good planning practice to show how the proposal may integrate with any possible, future development on adjoining lands so as to avoid the situation of piecemeal, ad hoc development and demonstrates that the current proposal would not inhibit the development of a larger backland area, as per section 16.10.8 of the operative City Development Plan. In general such a masterplan type submission is welcomed, without prejudice to the outcome of any future planning application on the lands. It is noted that each application is assessed on its own merits. I consider that a condition similar to that attached by the planning authority, in relation to a shared

access over proposed access way, so as to facilitate the possible future development of lands to the north, west and east.

Impacts on Visual and Residential Amenity

- 8.3.5 Many of the submissions received raised concerns in relation to impacts on the visual and residential amenity of the area.
- 8.3.6 In terms of visual amenity, I am generally satisfied with the design approach put forward in this instance. I do not consider the proposal to be excessively dominant and I am of the opinion that the massing, scale and heights of the proposed development are generally considered acceptable. I do not consider it to be out of character with existing development in the vicinity. The proposed development incorporates an innovative and quality contemporary design response that respects the sensitivities of the site. I consider that the proposal does not represent over-development of the subject site. In terms of density proposed, I am satisfied and consider that the proposal makes an appropriate proposal for the development of this underutilised, backland site. I am satisfied that the proposed development is in accordance with the operative City Development Plan in this regard and I note sets no actual upper unit density limit for any zoned lands, with each proposal assessed on its own merits. I am of the opinion that given its zoning, the delivery of a residential development on this prime, underutilised site, in a compact form comprising well-designed units would be consistent with the zoning objective for the site and with the policies and intended outcomes of current Government policy, including the National Planning Framework, which seeks to increase densities in suitable locations. The site is considered to be located in a central and accessible location, proximate to good public transport, within an established area of the city. I therefore consider the proposal to be acceptable.
- 8.3.7 The Development Plan sets out requirements in relation to public open space in new residential schemes, namely a requirement for 10% of the site area ((or a payment in lieu if usable space cannot be provided on site)). It is noted that there is a shortfall in public open space provision. The planning authority are satisfied that this matter could be adequately dealt with by means of condition. I am satisfied in this regard, given the proximity of the site to existing, quality open space and natural

environments. Adequate private open space is provided to all units to comply with Development Plan standards.

8.3.8 In terms of impacts on residential amenity, concerns have been put forward in many of the submissions received. I acknowledge that, without doubt, there will be a change in outlook as the site moves from its current level of development to that accommodating a development, such as that proposed. This is not necessarily a negative. I am cognisant of the relationship of the proposed development to neighbouring properties. In my opinion, separation distances in excess of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. The proposed development is considered not to be excessively overbearing given this context. Given the locational context of the site, the orientation of existing and proposed development, together with the design rationale proposed, which includes for extensive setbacks and separation distances, I consider that matters of overlooking would not be so great as to warrant a refusal of permission. Given the urban location of the site, a certain degree of overlooking and overshadowing is to be anticipated. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a serviceable site, in an established city area, where there are adequate public transport links with ample services, facilities and employment in close proximity.

8.3.9 A Daylight and Sunlight Assessment Report was submitted with the application. I am satisfied that a robust analysis has been undertaken in this regard and am satisfied with the conclusions contained therein. I note that the submitted Report has been prepared in accordance BRE BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 2nd Edition 2011. In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Dublin City Development Plan to assist in identifying where potential issues/impacts may arise. I note that effects on sunlighting in existing gardens were examined and all 9 properties examined were BRE compliant. I consider such potential impacts to be

reasonable, having regard to the need to provide new homes within an area identified for residential development/compact growth, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

- 8.3.10 I am of the opinion that the proposal would not depreciate the value of property in the vicinity. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. I am generally satisfied in this regard.

Traffic and Transportation

- 8.3.11 A Traffic Report and associated drawings were submitted with the application documentation. I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users. In addition, I also have no information before me to believe that the existing road network does not have capacity to cater for a development of the nature and scale proposed or that the proposal would inhibit access for emergency vehicles. The planning authority have not raised concerns in this regard. I am satisfied with the provision of six no. car parking spaces, as per planning authority Condition No. 8(a) given the urban location of the site and its proximity to public transport, together with the limited scale of the proposed development. I recommend to the Board that a similar condition be attached to any grant of permission.

Biodiversity

- 8.3.12 A Tree Survey Plan, Tree Removal Plan and Tree Protection Plan have been submitted with the application. It is inevitable that there will be some loss of trees, given the development proposal put forward. Compensatory planting is proposed and I consider that the scale of tree removal is not so great as to warrant a refusal of permission. The recommendations outlined in the Arboricultural Report and mitigation measures outlined in the EclA should be fully implemented. This matter could be adequately dealt with by means of condition.
- 8.3.13 Badger activity and a sett was recorded in the vicinity of the proposed development site- located in the rear garden area of No. 38 Seafield Road West approximately 32m from the western site boundary. An EclA was prepared as part of the Further

Information submission, which includes for an Assessment of Badger Activity within Appendix A. I note the DAU sought the submission of an EcIA. On submission of this by applications by means of Further Information, the DAU made no further formal report. It appears that the methodology of the survey and assessment were approved by the DAU and the planning authority.

8.3.14 The EcIA states that evidence of badger activity was noted within the site in the form of a badger scat and also multiple mammal paths. The conclusion of the EcIA was that the site is of moderate local ecological value. It is not of any value to any Annex I or Annex II species or red listed birds. All birds recorded on-site are common species. It states that the construction of dwellings in the garden of No. 32 Castilla Park will have no direct impact on the badger sett or its tunnels and the loss of the garden plot would be insignificant in terms of foraging for badgers in the area as they would use alternative pathways to forage. I am generally satisfied in this regard and consider the proposals put forward in this regard to be reasonable.

8.3.15 I note the scale of the development, location of the site which is zoned for development in the operative City Development Plan, the existing use of the overall lands for residential development and the proposal to integrate ecological features, designated open space and landscaping into the proposed development. As a result, I do not consider the proposal will have a significant negative long term impact on the biodiversity of the site or any designation for Dublin Bay.

Other Matters

8.3.16 There will be some noise disturbance during the course of the works. However, this will be temporary and short-lived in nature. Construction related matters can be adequately dealt with by means of condition. If the Board is disposed towards a grant of permission, I recommend that a Construction Management Plan be submitted and agreed with the planning authority prior to the commencement of any works on site.

8.3.17 The planning authority have not raised concerns in relation to drainage and flooding matters. It has been raised in some of the submissions received. An Environmental Service Report (including Preliminary Flood Risk Assessment) was submitted with the application documentation. I have no information before me to believe that the existing mains drainage system does not have capacity to deal with the scale of

proposal put forward in this appeal or that the proposal would lead to increased flooding in the vicinity of the site. The OPW www.floodmaps.ie show no record of the site flooding in the past. There are no rivers in the vicinity of the site and it is located within Flood Zone C. Development is therefore considered 'appropriate' and a Justification test is not required. In addition, I have no information before me to believe that the proposal would be prejudicial to public health. I am satisfied in this regard.

9.0 Appropriate Assessment Screening

- 9.1 An Appropriate Assessment Screening Report was submitted with the application documentation. The project is not directly connected with, or necessary to the management of any Natura 2000 sites. No designated sites are within the potential Zone of Influence. Table 1 of the submitted AA Screening Report sets out the proximity of the development site to Natura 2000 sites. The proposed development site is not directly hydrologically linked to a Natura 2000 site.
- 9.2 There is an indirect pathway between the proposed development site and designated sites via foul and surface water drainage networks. The management of surface water for the proposed development has been designed to comply with the requirements of planning authority. The proposed development is designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS). I am of the opinion that any mitigation measures put forward in the documentation are not for the purposes of the protection of any Natura designated site. There are no rivers in the vicinity of the site. It is located within Flood Zone C and the proposed project is deemed 'Appropriate'. Neither the planning authority nor Irish Water have expressed any objections to the proposal, in this regard. The new foul drainage system for the development will connect to the Irish Water network and IW have expressed no objections to the proposal, subject to conditions.
- 9.3 Foul wastewater discharge from the proposed project will be treated at the Irish Water Wastewater Treatment Plant at Ringsend prior to discharge to Dublin Bay. The Ringsend WWTP operates under licence from the EPA (Licence no. D0034-01) and received planning permission (ABP Reg. Ref.: 301798) in 2019 for upgrade works. Regardless of the status of the WWTP upgrade works, the peak discharge

from the proposed project is not significant in the context of the existing capacity available at Ringsend. I am of the opinion that this matter does not require further in-depth scientific examination.

- 9.4 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

10.0 Recommendation

- 10.1. I recommend permission be GRANTED subject to conditions

11.0 Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Dublin City Development Plan 2016-2022, and to the standards for the development of houses on backland areas set out in section 16.10.9 of that Plan, it is considered that, subject to compliance with conditions below, the proposed houses would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

12.0 Conditions

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| 1. | The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 25 th January 2022, 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 |
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Ecological Impact Assessment Report, Arboricultural Report and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.</p> <p>Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Ecological Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</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. Details in relation to the provision of a soak pit shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of public health and surface water management.</p>
4.	<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>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
6.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
7.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car park 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. In particular:</p> <p>a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.</p> <p>b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;</p> <p>c) Pedestrian crossing facilities shall be provided at all junctions;</p> <p>d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, and</p> <p>e) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site</p> <p>f) A maximum six car parking spaces shall serve the proposed development.</p>

	<p>Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity</p>
8.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>
10.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site</p>

	<p>at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Tree Survey Report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.</p> <p>Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.</p>
12.	<p>Prior to the commencement of development, the developer shall enter into an agreement with the planning authority, pursuant to section 47 of the Planning and Development Act 2000 (as amended), which shall allow for the provision of hared access over the proposed access way. This shared access shall make provision for facilitating the possible future development of lands to the west, north and east.</p> <p>Reason: In the interest of co-ordinated development</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision</p>

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

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.

Lorraine Dockery
Senior Planning Inspector

12th September 2022