



An
Bord
Pleanála

Inspector's Report

ABP-313728-22

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| Development | Alterations to residential development (under planning permission 19/6613) |
| Location | Ryecourt Woods, Ryecourt, Cloughduv, Co. Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 217075 |
| Applicant(s) | Classes Land Unlimited Company |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Cathal Seán O'Laocha |
| Date of Site Inspection | 5 th October 2022 |
| Inspector | Liam Bowe |

1.0 Site Location and Description

- 1.1. The 0.3512 hectare site is located at the eastern end of the village of Cloghduv in County Cork. Cloghduv is located approximately 17km to the west of Cork City. The appeal site is accessible from the west via the main street in the village. Access to the site is then via the existing internal access road which serves Ryecourt Woods housing estate. There is residential development (Cois Cille) to the south, a GAA playing grounds to the east and parts of the completed / under construction Ryecourt Woods housing development are located to the north and west of the appeal site.
- 1.2. The site is regular in shape and slopes slightly from north to south. The site is currently being used to store topsoil and forms part of the landholding to the north and west that is being developed as Ryecourt Woods housing estate. There is a well-established hedgerow along the eastern and part of the western site boundaries. There is a 2m high block wall along the remaining part of the western site boundary. The northern site boundary is open to the Ryecourt Woods housing estate. There is a new leylandii hedge planted along the southern site boundary and a c.1.8m wall between this and the Cois Cille housing estate.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 7 no. houses in lieu of 1 no. previously permitted house. The appeal site forms part of the overall site for Ryecourt Woods residential development where 70 no. houses and 11 no. serviced sites were permitted under P.A. Ref. No. 12/5513. The part of the overall site that now forms the appeal site was partially included within the site edged red of the previous applications / permissions. Most of the appeal site was indicated as an area for future development under previous applications.
- 2.2. The development comprises the construction of 5 no. 4-bed detached houses and 2 no. 4-bed semi-detached houses. The development comprises 4 no. different dwelling types. All houses are 2-storeys with a maximum height of 9.457m. The houses have gross floor areas of approx. 187.5m², 144.1m², 139.4m² and 123.6m². The design of the scheme is typically suburban and matches the style of the existing

houses in Ryecourt Woods. The external finishes include smooth plaster render with grey roof tiles. Private open space has been provided to the rear of each dwelling.

2.3. Vehicular access is provided via the existing estate road. The new estate road is approx. 5.5m in width with a 2m wide footpath. 2 no. on-site car parking spaces are provided per dwelling.

2.4. Ancillary site development works include road infrastructure, drainage and stormwater network and landscaping. The existing eastern and western site boundaries, which are comprised of hedgerows, would be retained. The southern site boundary is planted with a laurel hedge, and this would be supplemented with additional planting. The development would be served by a mains water supply and public sewer.

3.0 Planning Authority Decision

3.1. Further Information Request

Prior to issuing a notification of decision, the Planning Authority issued a further information request on 18th January 2022 requiring details in relation to site levels, accurate site sections, removal of a gap at the rear/southern boundary of the site, revised proposals for a boundary wall, revisions to the house numbering, a right of way on an access laneway, contiguous elevations, a schedule of private open space, a dual aspect elevation on House Type F, confirmation of legal entitlement to develop the land, and revised proposals for public lighting.

The applicant submitted a response to this further information request to the Planning Authority on 14th February 2022, which included a revised site layout plan detailing all original ground levels and proposed road and finished floor levels, a revised site section, a letter in relation to the strip of land along the southern boundary of the site, details of a boundary wall, a house numbering scheme, confirmation that no access is required from the laneway, a contiguous elevation, a schedule of private amenity space, revised elevational drawings, confirmation of ownership of the land, and a public lighting scheme.

3.2. Clarification of Further Information

Clarification was sought on this further information on 10th March 2022 requiring details in relation to the levels of proposed house no.'s 62C to 62G and how overlooking of existing house no.'s 9 and 10 Cois Cille to the south of the appeal site can be avoided, clarification of finished floor levels and clarification on the type of boundary wall to the front of house no. 62A.

The applicant submitted a response to this clarification of further information request to the Planning Authority on 13th April 2022, which included details of levels, separation distances and screen planting between the proposed houses and the existing houses at Cois Cille, and clarification on the boundary wall.

3.3. Decision

By order dated 11th May 2022 Cork County Council issued notification of decision to Grant Permission for the proposed development subject to 16 no. standard conditions. The conditions include inter alia the following:

- Condition No.2: Shall comply with terms and conditions of parent permission issued under P.A. ref. no 19/06613.
- Condition No.16: Section 47 agreement requiring a restriction on all residential units permitted to first occupation by individual purchasers.

3.4. Planning Authority Reports

3.4.1. Planning Reports

There are three Planning Reports on file dated 18th January 2022, 9th March 2022, and 9th May 2022, respectively. The Planning Officer in the initial report stated that the location of the site is in a designated settlement boundary per the Blarney Macroom Municipal District Local Area Plan 2017 and policy objective DB-01 applies, outlines the planning history of the site, and details both the reports of the internal and external consultees. The report recommended that further information be requested for site levels, accurate site sections, removal of a gap at the rear/southern boundary of the site, revised proposals for a boundary wall, revisions to the house numbering, details of a right of way on an access laneway, contiguous

elevations, a schedule of private open space, a dual aspect elevation on House Type F, confirmation of legal entitlement to develop the land, and revised proposals for public lighting, which is reflected in the decision of the Planning Authority.

Appropriate Assessment Screening was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

A second Planner's Report (dated 9th March 2022) refers to the further information submitted, which included a revised site layout plan detailing all original ground levels and proposed road and finished floor levels, a revised site section, a letter in relation to the strip of land along the southern boundary of the site, details of a boundary wall, a house numbering scheme, confirmation that no access is required from the laneway, a contiguous elevation, a schedule of private amenity space, revised elevational drawings, confirmation of ownership of the land, and a public lighting scheme. The report recommended clarification of further information be requested on the levels of proposed house no.'s 62C to 62G and how overlooking of existing house no.'s 9 and 10 Cois Cille to the south of the appeal site can be avoided, clarification of finished floor levels, and details of the boundary wall to the front of house no. 62A, which is reflected in the decision of the Planning Authority.

A third Planner's Report (dated 9th May 2022) refers to the clarification of further information submitted and considered that, having regard to the additional information, permission should be granted subject to 16 no. conditions.

3.4.2. **Other Technical Reports**

Area Engineer: No objection. Conditions recommended.

Housing: No objection. Conditions recommended.

Public Lighting Engineer: The initial report dated 8th December 2021 sought further information regarding the details of the proposed public lighting in the scheme. The second report dated 18th February 2022 seeks the same further information regarding the details of the proposed public lighting in the scheme. The third report dated 25th April 2022 states that there is no objection to a grant of permission. Conditions recommended.

3.5. Prescribed Bodies

Inland Fisheries Ireland: Seeks confirmation from Irish Water that there is sufficient capacity in the public sewer to facilitate the proposed development.

3.6. Third Party Observations

Submissions were received from Mary & Gerard Healy, Richard Healy, Hugh Courtney, Roy O'Keeffe, Seán Murray, Catherine Dineen, Marcella O'Neill, James & Alice Harte, Alan & Caroline Kelly, Alison Roche & others, Stíofán O'Laighin, and Cathal Seán O'Laocha & others. The issues raised are broader to those referenced in the grounds of appeal. These include concerns regarding the southern boundary treatment, the height of the houses, the retention of an artificial mound, a legal issue, use of a laneway for construction, density of development, enforcement issues, loss of natural light, drainage / flooding concerns, issues with inadequate services and infrastructure, and potential overlooking.

4.0 Planning History

4.1. Appeal site:

P.A. Ref. No. 06/11586 – Permission granted for 81 no. houses.

P.A. Ref. No. 12/5513 – Permission granted for 64 no. houses and 11 no. serviced sites.

P.A. Ref. No. 17/6411: Permission granted for 20 no. houses as change of house types and layout to P.A. Ref. No. 12/5513.

P.A. Ref. No. 19/6613: Permission granted for 54 no. houses as change of house types and layout to P.A. Ref. No. 12/5513.

4.2. Adjacent site to the southeast:

P.A. Ref. No. 18/4666 – Permission granted for 12 no. houses.

P.A. Ref. No. 20/5569 – Permission granted for 36 no. houses.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

- 5.1.1. I draw the Board's attention to the adoption of the Cork County Development Plan on 25th April 2022, which came into effect as the statutory plan for the county on 6th June 2022.
- 5.1.2. Cloghduv is identified as a village in the Macroom Municipal District under Volume 4 – South Cork of the Cork County Development Plan 2022-2028.
- 5.1.3. The appeal site is within the designated urban area of Cloghduv. The plan states:
“The vision for Cloghduv is to encourage the consolidation of the settlement, to enhance the village streetscape and village core, to encourage the provision of additional community facilities and to promote sympathetic development in tandem with the provision of infrastructure and services. Two significant planning permissions were granted within the development boundary of Cloghduv in 2019 and 2020, and this is reflected in the overall development potential figure for the village for this plan period.”

Objective DB-01:

Within the development boundary encourage the development of up to 50 additional dwelling units during the plan period.

Objective DB-02:

New development should be sensitively designed and planned to provide for the protection of green infrastructure assets of the village and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies

5.2. Natural Heritage Designations

The appeal site is not located within any designated European sites. The closest Natura 2000 sites are The Gearagh SAC (site code: 000108) and The Gearagh SPA (site code: 004109), which are located approximately 12.1km and 13.4km to the west, respectively.

5.3. EIA Screening

The project falls under Class 10 (b) (i), Schedule 5 of the Planning and Development Regulations 2001, as amended. The project is very significantly below the threshold for triggering the need to submit an EIAR and having regard to the nature of the development comprising a significantly sub-threshold residential development on serviced lands, 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

6.1.1. The grounds of appeal are submitted by Pat Carey of Michael Lynch Consulting Engineers Ltd., The Corner House, South Square, Macroom, Co. Cork, P12 RR28 on behalf of Cathal Seán Ó Laocha. The main points made can be summarised as follows:

- Contends that the proposed development will impinge on the privacy of the rear gardens of No.'s 9 and 10, Cois Cille.
- Contends that 127 dwelling units have been granted planning permission, which is in excess of the amount of 80 dwelling units outlined under policy Objective DB-01 of the Blarney Macroom Municipal District Local Area Plan for the village of Cloghduv.

6.2. Applicant Response

6.2.1. The main issues raised in the First Party response to the grounds of appeal can be summarised as follows:

- Contends that the rear to side relationship between proposed house no.'s 62C to 62G in Ryecourt Woods and house no.'s 9 and 10 Cois Cille is a normal arrangement.

- Confirms that the proposed finished floor level of 150mm above the existing ground level is to facilitate services for the houses and that the garden levels will be close to existing ground levels.
- Highlights existing screening present in the form of two hawthorn trees, a recently planted laurel hedge and separation distances from the proposed houses to the party wall of c.17m.
- Proposes additional planting in the form of mop headed trees that would provide additional screening (10 no. dwarf field maple) above the height of the laurel hedge. Would accept a condition requiring an evergreen species to be planted in lieu of the dwarf field maple.
- States that there are 40 no. houses occupied in Ryecourt Woods, a further 20 no. houses under construction, and a further 18 no. houses permitted but not commenced. Seeks a further 6 no. additional houses as a modest extension to Ryecourt Woods bringing the total no. of house to 84.

6.3. Planning Authority Response

The Planning Authority has stated that all relevant issues have been covered in the technical reports and have no further comments to make.

7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of Development
- Overlooking
- Other Issues
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. I note the Third Party contends that 127 dwelling units (76 no. houses in Ryecourt Woods and 51 no. houses on GAA grounds / Dairygold creamery site to the southeast of the appeal site) have been granted planning permission, which he states is in excess of the amount of 80 dwelling units allocated to the village of Cloghdub under policy Objective DB-01 of the Blarney Macroom Municipal District Local Area Plan 2017.
- 7.1.2. In response to this, the First Party states that there are 40 no. houses occupied in Ryecourt Woods, 20 no. houses under construction, and a further 18 no. houses permitted but not commenced. The First Party contends that the proposed development will result in the infilling of a vacant area at the south-eastern corner of Ryecourt Woods and the addition of a modest 6 no. houses to the overall residential development (84 no. houses in total).
- 7.1.3. The appeal site is within the designated urban area of Cloghdub. Cloghdub is identified as a village in the Macroom Municipal District under Volume 4 – South Cork of the Cork County Development Plan 2022-2028. Under this new Plan, policy **Objective DB-01** has been updated and states:
- “Within the development boundary encourage the development of up to 50 additional dwelling units during the plan period.”
- 7.1.4. For clarity, two new permissions have been issued by Cork County Council for residential developments in Cloghdub since the adoption of the Blarney Macroom Municipal District Local Area Plan 2017, namely under P.A. ref. no. 18/4666 and P.A. ref. no. 20/5569. The other residential developments granted permission, outlined

above under Planning History, were for change of house types to permissions issued on Ryecourt Woods residential development under the previous local area plan. I calculate that 48 no. new houses have been permitted in Cloghduv under the 2017 LAP. Therefore, headroom would exist for a further 32 no. houses to be permitted / developed in Cloghduv under this policy. However, I am satisfied that this appeal must be considered under the current County Development Plan and the proposal to develop 6 additional units would now form part of an allocation of a further 50 dwelling units prescribed for Cloghduv village for the life of the current plan until 2028.

- 7.1.5. Further to this, I am satisfied that the proposed development is in accordance with national guidance issued under the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) – Guidelines for Planning Authorities (2009) which advises that a development should not represent more than about 20% of the total new planned housing stock of the small town or village.
- 7.1.6. Having regard to the planning history of the site and the nature and scale of the development it is my view that the proposed development, which reinforces the existing character of the existing estate, is in accordance with the objectives of the County Development Plan and Section 28 guidance. In conclusion, having regard to the zoning objective for the site and the nature and scale of the proposed development, it is my view that the proposed scheme is in accordance with the objectives of the Cork County Development Plan and the National Planning Framework. I, therefore, consider that the proposed development is acceptable in principle.

7.2. Overlooking

- 7.2.1. The site of the proposed housing development is on more elevated ground behind the established houses on the land to the south of the appeal site. However, the layout of the proposed development provides for significant separation distances between existing and proposed housing.
- 7.2.2. The Third Party makes particular reference to house no.'s 9 and 10 Cois Cille and raises concerns about the proximity of first floor windows on the proposed houses to their rear gardens. Both of these proposed houses are to be sited approximately

19m from no.'s 9 and 10 Cois Cille. Both houses on no.'s 9 and 10 Cois Cille are sited perpendicular to the shared boundary, and both have blank northern gable ends such that no direct overlooking of the private open space associated with the proposed houses on site no.'s 62 C to 62 G would arise. The Third Party's concern is that overlooking from the first floor windows of the proposed houses to no.'s 9 and 10 Cois Cille would arise.

- 7.2.3. In this regard, I consider that the main concern arises due to the proposed increase in the ground levels and, consequently, the finished floor levels of the proposed houses on the appeal site. The First Party submitted a revised site layout plan and site section to the Planning Authority on 13th April 2022 in response to an RFI. The finished floor levels of the proposed houses along the southern boundary of the appeal site are indicated at 150mm above the existing ground levels (Drawing no. 1006 refers).
- 7.2.4. I am satisfied that the proposed siting and layout with gable ends facing rear elevations is not unusual, and I consider it to be typical of that found in most suburban-style residential developments. I am also satisfied that the proposed separation distances (between c.17m and c.19m) are acceptable and give due consideration to neighbouring residential amenities. I consider that the proposals within the RFI response and the details submitted within the response to the appeal to retain an existing hawthorn tree on each shared boundary, to retain the recently planted leylandii hedge, and to further enhance screening of the private open space of no.'s 9 and 10 Cois Cille with proposed high level planting, would ensure that the private open space associated with these two houses would not be unduly overlooked from the proposed development.
- 7.2.5. On the basis of the above, I submit to the Board that the layout of the proposed scheme has had due regard to the amenity of established neighbouring houses. The separation distances and proposed screening is such that there could be no significant impacts relating to overlooking of the established dwellings. It, therefore, cannot reasonably be concluded that there would be significant adverse impacts on the amenities of established residents.

7.3. Other Issues

Design & Layout

- 7.3.1. It is proposed to provide 7 no. 4 bed dwelling units within this residential scheme. These units are provided within a variety of 4 no. different house types. Previous permissions with the overall Ryecourt Woods residential development include 5 no. 5 bed houses and 20 no. 3 bed houses. I consider an additional 6 no. 4 bed houses to be an acceptable within this mix of dwelling units at this location in the village of Cloghduv.
- 7.3.2. The provision of private open space is in accordance with policy Objective GI 14-6 of the Cork County Development Plan. 60m² is the minimum required standard for four-bedroom houses and larger.¹ Having reviewed the site layout plan, I am satisfied that all of the proposed houses meet the required standards. All of the rear gardens associated with the proposed houses are at least 11 metres in depth and there are no directly opposing proposed first floor windows.
- 7.3.3. Public open space is provided primarily at a large central area (4,543m²) and other smaller areas within Ryecourt Woods residential development. An additional 205m² of public open space is proposed within this extension to the overall development. I consider this to be acceptable within the context of the overall development and is in accordance with the requirement for 12% to 18% set out in section 14.5.11 of the Cork County Development Plan.
- 7.3.4. In conclusion, having regard to the sites location within the village of Cloghduv, the infill nature of the appeal site and the pattern of development in the area, I am satisfied that the development is appropriately designed, could be accommodated at the subject site, that it would result in a development that would be sympathetic to its setting in terms of design, scale and layout.

Water Services

- 7.3.5. The proposed development would be connected to the existing public water and foul water mains. No significant concerns have been raised by the Area Planner or Area Engineer regarding capacity constraints within the public water or sewer systems. Under Table 4.4.2: Macroom Municipal District Scale of Development and Water

¹ P.62, Making Places: a design guide for residential estate development (Cork County Council 2011)

Services Status in the Cork County Development Plan 2022-2028, drinking water status is indicated as having 'some capacity' and wastewater status is indicated as having 'capacity' in the respective networks. The proposed development will generate an additional requirement for approximately 18 p.e.

- 7.3.6. On this basis, it is apparent that service capacity issues do not arise in Cloghduv. Therefore, I am satisfied that there is sufficient capacity available within the networks to service this modest infill development. As there are no capacity issues evident and a connection to the public sewer and public water network already exists at this location, I am satisfied that a suitable condition requiring a connection agreement with Irish Water, prior to commencement of any development on the appeal site, would be appropriate.

7.4. Appropriate Assessment

Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

I recommend that permission for the proposed development be granted for the following reasons and considerations, subject to conditions.

9.0 Reasons and Considerations

Having regard to the designation of the site as an urban area, the design and layout of the proposed development and the policies and objectives of the Cork County Development Plan 2022-2028, it is considered, subject to the conditions set out below, that the proposed development would not seriously injure the residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 14th day of February 2022, the 13th day of April 2022 and the terms and conditions of the governing permission issued under P.A. ref. no. 19/6613, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p> |
| 3. | <p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p> |
| 4. | <p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p> |
| 5. | <p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p> |

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| 6. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 7. | <p>Each residential unit shall be provided with a parking space with a functional electric vehicle charging point. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transport.</p> |
| 8. | <p>Proposals for a 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.</p> <p>Reason: In the interest of urban legibility.</p> |
| 9. | <p>A 1.8m high wall of concrete block construction shall be erected along the southern boundary of the site. Details of this shall be submitted for the written agreement of the Planning Authority, prior to commencement of development.</p> <p>The 2 no. hawthorn trees located on the shared boundaries of No.'s 9 and 10 Cois Cille shall be retained. The leylandii hedge along the southern boundary of the site shall be maintained at a height no lower than 2 metres and no higher than 2.4m, indefinitely.</p> <p>Otherwise, the site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or</p> |

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| | <p>diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p> |
| 10. | <p>The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. Details of these revised proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p> |
| 11. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 12. | <p>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, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |
| 13. | <p>Prior to commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house unit), pursuant to Section 47 of the Planning and Development Act, 2000, that restricts all house permitted, to</p> |

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| | <p>first occupation by individual purchasers i.e., those not being a corporate entity, and/or by those eligible for the occupation of social/affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p> |
| 14. | <p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p> |
| 15. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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.</p> |

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| | Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge. |
| 16. | <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> |

Liam Bowe
Planning Inspector

28th November 2022