



An
Bord
Pleanála

Inspector's Report

ABP-313996-22

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| Development | Construction of 5 dwelling houses |
| Location | Knockanemore, Ovens, Co. Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 217297 |
| Applicant(s) | Patrick & Lorretto O'Regan |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | John Crean |
| Date of Site Inspection | 5 th October 2022 |
| Inspector | Liam Bowe |

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1.0 Site Location and Description

- 1.1. The site, which has a stated area of 1.32 hectares, is located approximately 250 metres to the north of Kilmuney village centre. This settlement lies in close proximity to Ballincollig, approximately 4 km to the west of Ballincollig town centre. The site is roughly rectangular in shape and is immediately to the north of the mature Apsley Court housing estate which comprises a mix of single storey and dormer houses. The site is accessed from Kilmuney Road (L2208) and shares this access with Kilmuney Driving Range, which is located immediately to the north of the appeal site.
 - 1.1.1. The site is currently under grass and the field that it forms part of appeared to be in agricultural use on the day of my site inspection. The site is relatively flat. The south-eastern site boundary is a well-established hedge; the south-western boundary is a mature hedgerow; and the northern boundary is open and there is a c.2m high laurel hedge further to the north along the southern boundary of the driving range. There are two detached houses to the east of the appeal site, one of which is the applicants. The lands to the west are in agricultural use.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 5 no. two-storey, detached houses at Knockanemore, Ovens, County Cork.
- 2.2. The proposed development takes the form of two three-bedroomed detached two-storey houses and three four-bedroomed detached two-storey houses addressing an internal street. The houses would have ridge heights of 7.527m, 7.606m and 7.536m and stated floor area of 182.57m², 181.8m² and 185.3m², respectively. The houses are proposed to be sited parallel to the houses in Apsley Court to the south of the appeal site with the rear/shared boundary comprising a 2m high block wall. Public open space is proposed to the northwest part of the site. 10 no. car parking spaces are to be provided on the appeal site.

3.0 Planning Authority Decision

3.1. Request for further information

- 3.1.1. Prior to its notification of decision, the Planning Authority issued a further information request on 11th February 2022 requiring details of the finished floor levels of each house, a revised site layout plan showing separation distances from the houses in Aspley Court, consideration of a noise barrier between the site and the N22 road reservation corridor, a greater housing mix, a contiguous elevation, a schedule of private amenity space, revised Part V proposals and clarification of house numbering.
- 3.1.2. In response, the first party submitted a site section showing the finished floor levels of each house, a revised site layout plan showing separation distances from the houses in Aspley Court, landscaping proposals for the northern boundary between the site and the N22 road reservation corridor, drawings of an additional house type, a contiguous elevation, a schedule of private amenity space, confirmation of discussions regarding Part V proposals and clarification of house numbering.

3.2. Decision

By order dated 14th June 2022 Cork County Council issued a notification of decision to Grant Permission for the proposed development subject to 28 no. conditions. Of note are the following conditions:

Condition No.3: Makes the applicant aware of the future route corridor for the upgrade of the N22 national road.

Conditions No.9: Requirement for compliance with EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses.

Condition No.27: Requirement for Part V agreement.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- 3.3.2. The initial report of the Planning Officer outlines the relevant planning policy under the West Cork Municipal District Local Area Plan 2017 and the Cork County Development Plan 2014, notes the reports of the internal and statutory consultees, notes the submissions received and raises concerns regarding finished floor levels,

separation distances, proximity to the road reservation corridor for the N22 national road, housing mix, private open space, and Part V proposals. Further information was recommended, which is reflected in the decision of the Planning Authority.

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

A second report, subsequent to the submission of a response to further information, recommends a grant of permission consistent with the notification of decision which issued.

3.3.3. **Other Technical Reports**

Area Engineer – No objections. Conditions recommended.

A seconded report dated 23rd May 2022 sought further information in relation to separation distances from the proposed wastewater treatment systems to neighbouring boundaries.

Housing Officer – The initial report dated 17th January 2022 recommended that further information be sought regarding proposals for compliance with the requirements of Part V for social and affordable housing.

The second report dated 14th June 2022 states no objection. Condition recommended.

Estates Engineer – No objections. Conditions recommended.

NRDO – No objections. Condition recommended.

Public Lighting – No objection. Conditions recommended.

3.4. **Prescribed Bodies**

Irish Water – No objections. Conditions recommended.

TII – States that the proposed development is at variance with provisions in the Spatial Planning and National Roads Guidelines and advises that the Planning Authority consult with the NRDO.

IFI – No objections. Condition recommended.

3.5. Third Party Observations

- 3.5.1. Two submissions were received from Dermot O’Callaghan and John Crean, both residents of Apsley Court, Ovens, Co. Cork that outlined concerns in relation to the location of the site outside of the development boundary, separation distances between wastewater treatment systems, loss of privacy, deficiencies in the Killumney/Ovens WwTP, impact on Cork Harbour SPA, and traffic safety.

4.0 Planning History

4.1. Appeal site:

PL 04.229297 (P.A. Ref. No. 08/4209): Permission refused for 4 no. houses, garages, and the installation of temporary communal proprietary treatment plant for the following reason:

The proposed development would be premature by reference to the existing deficiency in the provision of public sewerage facilities and the period of time within which this constraint may reasonably be expected to cease.

4.2. Adjacent sites:

ABP-310250-21 (P.A. Ref. No. 20/6894): Permission refused for 72 no. houses and a crèche on a site c.160m to the south for the following reasons:

1. It is considered that the proposed development would be premature by reference to the existing capacity deficiencies in the Killumney/Ovens wastewater treatment plant to which connection is proposed and the period within which this constraint may reasonably be expected to cease. In the absence of improved wastewater treatment capacity the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is to discharge to the Killumney/Ovens Wastewater Treatment Plant, with a primary discharge to River Bride, which flows into the River Lee and has a hydrological connection to the Cork Harbour SPA (site code 004020). In the absence of the upgrade of the treatment plant above its existing capacity the Stage 1 AA Screening Report cannot definitively conclude that the proposed development would not have a significant negative impact on the

Conservation Objectives of the European Site. It is considered, therefore, that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

PL 04.302638 (P.A. Ref. No. 17/7165): Permission granted for 75 no. houses, 14 no. residential serviced sites, a crèche and a roundabout on a site c.160m to the south.

P.A. Ref. No. 12/4420: Permission granted for a driving range on the site immediately to the north.

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. The Plan states that 'within the Cork County Metropolitan Area, the majority of the population allocation is to be facilitated within the Metropolitan Towns and Key Villages over 1,500 population as these settlements are considered suitable for growth due to their location within the MASP area and also the availability of existing or planned infrastructure.'

5.1.3. Kilmuney/Ovens is designated as 'Key Village to grow in excess of 1,500' with a population target of 2,242. This will require the delivery of 424 units for the plan period. The target was decided on the basis of the following considerations:

A detailed analysis of the carrying capacity of zoned lands, including wastewater which is planned for through Irish Water STVGP and water supply infrastructure, public transport accessibility and environmental and flooding sensitivity.

1. It is a key location within the Cork MASP and the County Metropolitan Strategic Planning Area to the West.

2. The large scale of existing employment provision (Dell EMC) in the settlement, it forms an important part of the South Cork and Lower Harbour Growth Triangle together with its accessibility to other, higher order employment and enterprise centres.
 3. A detailed analysis of the existing permissions granted within the village (218 units) following the previous scale of development at 251 units identified in the Blarney-Macroom MD LAP 2017.
 4. Its existing scale of population and social/community infrastructure, including schools, sports pitches and the proposed neighbourhood centre identified in this plan.
- 5.1.4. The site has a land use zoning of 'Existing Residential/Mixed Residential and Other Uses'.

Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses

“The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area.”

5.2. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is Cork Harbour SPA (Site Code: 004030) which is located approximately 15.5km to the east of the appeal site.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and separation from sensitive environmental receptors, I am satisfied that no likely significant impacts on the environment arise from the proposed development and that the carrying out of an EIA is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by John Crean, Apsley Court, Killumney, Ovens, Co. Cork, resident of the house immediately to the south of the appeal site. The main points made can be summarised as follows:

- Contends that the proposed development is premature pending the upgrade of the Killumney wastewater treatment system per the Board's decision on the appeal issued under ABP-310250-21.
- Contends that, in the absence of upgrade works to the wastewater treatment system, the proposed development would have a significant negative impact on the Cork Harbour SPA.
- States that the subject site lies outside of the development boundary outlined in the Killumney / Ovens LAP.
- Concerned that the proposed entrance would create a traffic hazard.
- Contends that the proposed development is premature and at variance with National Transport Policy pending the determination of the route for the realignment of the N22 national road.

6.2. Applicant Response

Gerald McCarthy Architects, 72 Main Street, Macroom, Co. Cork have responded to the grounds of the appeal on behalf of the First Parties, Patrick & Lorretto O'Regan and this can be summarised as follows:

- State that the proposed development has no bearing on the existing capacity deficiencies in the Killumney/Ovens WwTP as each house will be serviced by its own independent wastewater treatment system.
- Contends that the proposed houses are within the designated development boundary for Killumney/Ovens.
- Contends that sight distances at the access are more than what is required and will not pose a traffic hazard.

- State that the proposed development does not interfere with the protected corridor for the N22.

6.3. **Planning Authority Response**

The Planning Authority confirms that subject lands fall within the designated settlement boundary for Killumney/Ovens, that the sightlines are acceptable, that the site is outside of the indicative route corridor for the proposed N22 route and requests that its decision to grant permission for the development of 5 no. houses on the appeal site is upheld.

7.0 **Assessment**

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

- Principle of the Development
- Traffic Safety
- Disposal of Wastewater
- Other Issues
- Appropriate Assessment

7.1. **Principle of the Development**

- 7.1.1. Under the Cork County Development Plan 2022-2028, Killumney/Ovens is projected to grow to over 1,500 people during the lifetime of the plan so is treated in a similar manner as regards zoning and land-use to the other main settlements which are over 1,500 people. Killumney/Ovens had a population of 1,132 in 2016 and under this plan has a target population of 2,242 for 2028. In order to achieve this, 424 dwelling units are required on residential and mixed-use zonings. The plan makes provision for 318 housing units to be delivered on zoned land and the balance of 106 to be delivered within the built footprint of the settlement.
- 7.1.2. All land within the development boundary of Killumney/Ovens has a specific land use zoning. The appeal site has a land use zoning of 'Existing Residential / Mixed Residential and Other Uses' under the plan. Residential development is considered

appropriate under this land use zoning. It is stated in the County Development Plan that:

“The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.”

- 7.1.3. I note the concerns of the Third Party in this regard where he contends that the appeal site lies outside of the development boundary outlined in the Kilmuney / Ovens LAP. In their response to the appeal, the Planning Authority confirms that subject lands fall within the designated settlement boundary for Kilmuney/Ovens. Having reviewed all the documentation submitted with the application and under this appeal, I am satisfied that the proposed houses are within the settlement boundary for Kilmuney/Ovens and that the proposed internal street and open space are within the area designated as ‘Metropolitan Green Belt’, which I consider to be acceptable.
- 7.1.4. Further to this, an area reserved for the preferred route for the realignment of the N22 national road is indicated to the north of the appeal site on the Land Use Zoning Map.¹ The part of the appeal site intended for the proposed vehicular access road and public open space is within designated greenbelt land along with the road reservation corridor.
- 7.1.5. I note the concerns of the Third Party and TII in this regard and TII reiterated their concerns in a second observation on the planning application to the Planning Authority. In their response to this appeal, the Planning Authority also confirmed that the appeal site is outside of the indicative route corridor for the proposed N22 route. Having reviewed the proposed site layout map (Drawing No. 20.32.2010 refers) submitted to the Planning Authority in response to the RFI on 18th May 2022, I am also satisfied that the appeal site is outside of the indicative road reservation corridor.
- 7.1.6. I consider that the concerns of TII relate to possible noise impact on future residents caused by the realignment of the N22 national road. I note the proposals submitted

¹ P.363, Kilmuney/Ovens, Volume 4 South Cork, Cork County Development Plan 2022-2028.

by the First Party in response to the RFI detail the northern boundary treatment with additional planting (beech hedging with mix of guelder rose, escallonia, crab apple and hawthorn). I am satisfied that this boundary treatment would mitigate against possible noise impacts given that such planting would have time to establish. If the Board is minded, a suitable condition could be included on a grant of permission for an appropriately sited and designed noise barrier along the northern boundary of the appeal site requiring agreement with the Planning Authority and Cork National Roads Office / TII prior to commencement of development on the site. However, I do not consider this to be necessary and advise against its imposition given the likely timeline for the provision of the realignment of this part of the N22 national road.

- 7.1.7. In conclusion, I am satisfied that the proposed development is in accordance with the land use policies contained within the Cork County Development Plan 2022-2028 and that the appeal site is located outside of the road reservation corridor for the N22 national road. Therefore, I consider that the principle of residential development on the appeal site to be acceptable, subject to other considerations addressed below.

7.2. Traffic Safety

- 7.2.1. The appellant contends that the proposed entrance would create a traffic hazard, whilst the First Party contends that sight distances at the access are more than what is required and will not pose a traffic hazard. I note the Area Engineer's initial report dated 14th January 2022 stated that sightlines are acceptable, and this was reaffirmed in the Planning Authority's response to the appeal.
- 7.2.2. On the day of my site inspection, I noted that the appeal site abuts a relatively straight section of the road / street at a slightly concave location on the road / street. I have examined the proposal to achieve sightlines, which are demonstrated on Drawing No. OS-01 submitted to the Planning Authority on 9th December 2021. The sightlines are available at the existing access without the requirement to carry out works.
- 7.2.3. In view of the limited amount of development involved in the proposed scheme and the existing and proposed means of vehicular access, I do not consider there would be significant harm caused in either the amount of additional traffic or the impact upon pedestrians. The proposed access and sight lines accord with the requirements

of the Area Engineer. In these circumstances, I do not find the proposed development would be detrimental to road safety.

- 7.2.4. On the basis of the above and my observations, I do not consider that the form and scale of development proposed would lead to a traffic safety issue at this location and, in conclusion, having regard to the limited number of additional vehicular movements arising from five houses, the details submitted regarding the provision of sightlines and the nature of the proposed site access, I consider that the proposed development would not result in a traffic hazard.

7.3. Disposal of Wastewater

- 7.3.1. The WwTP in Killumney / Ovens does not have capacity to accommodate further growth in the villages and an upgrade is required. Extensions to the foul sewer network are also required. The potential for an upgrade to the WwTP for Killumney Ovens is to be progressed through Irish Water's Small Towns and Villages Growth Programme which was approved for funding in July 2021.
- 7.3.2. A previous appeal on the site was refused permission because of the absence of improved wastewater treatment capacity. In order to address the public health concerns raised therein, the First Parties have submitted proposals for the provision of an individual proprietary wastewater treatment plant for each house for the disposal of wastewater. The Area Engineer considers the proposal to be acceptable subject to the First Party demonstrating required separation distances from neighbouring boundaries, prior to commencement of development.
- 7.3.3. The relevant policy is outlined under Objective WM 11-5 in the Cork County Development Plan where it states that it is an objective 'to ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems March 2021 (Population Equivalent ≤ 10)'.
- 7.3.4. The First Party excavated three trial holes over the site area to depths of 2.1m, 2.0m, and 1.9m. Bedrock was not encountered at these depths and no water table was visible. It is confirmed within the Site Characterisation Reports that the appeal site is located over a regionally important aquifer with high vulnerability, which requires a Groundwater Protection Response of R2¹. The T Values are stated as 5.19, 7.17,

9.97 (surface) and 9.31, 16.86, 11.31 (sub-surface). Based on these results, the Site Assessor recommended a proprietary wastewater treatment system with secondary and tertiary treatment for each of the five sites.

- 7.3.5. On the day of my site inspection, I noted that the ground conditions were good and consistent with those described within the Site Characterisation Form. I note the report of the Area Engineer dated 23rd May 2022 and condition no.9 of the notification of decision. I am satisfied that all minimum separation distances required to proposed and existing houses and site boundaries can be achieved per Table 6.2 in the EPA Code of Practice 2021 and that, if the Board is minded to grant permission, a similar condition should be attached. On this basis, I do not consider the proposed development would be likely to pose a significant risk to ground water.
- 7.3.6. I conclude, based on the material submitted with the application, that the appeal site is suitable for the safe disposal of domestic effluent and with the installation of proprietary wastewater treatment systems, that the proposed development would not create a serious risk of ground water pollution or public health.

7.4. Other Issues

Design and Layout

- 7.4.1. The proposed development, as amended by the First Party's response to the RFI on 18th May 2022, seeks to accommodate two three-bedroom, two-storey houses and three four-bedroom, two-storey houses, on a site stated to be 1.3 hectares in area. The proposed houses would have a floor areas of 182.57m², 181.8m² and 185.3m², respectively. The height of the proposed houses would be 7.527m, 7.606m and 7.536m above finished floor level, respectively. The finished floor levels of the houses are similar to the dwellings to the south of the site. I consider the overall scale and height of the proposed house would sit comfortably within the appeal site. Similarly, I consider the design of the fenestration and proposed finishes to be compatible with its suburban context. The proposed areas of private open space are all in excess of 11m in depth to the rear and are well in excess of Development Plan standards in terms of area i.e., greater than 400m² each. The proposed area of public open space is 0.34 hectares, which is also well in excess of Development Plan standards.

- 7.4.2. On the basis of the above, I consider that the proposed house designs would be acceptable form of infill housing at this location, and I am satisfied that the proposed houses have been specifically designed to address both the constraints of the site, the concerns of the third party and the standards set out in the Cork County Development Plan.

Part V

- 7.4.3. Part V housing provision was detailed within the initial planning application as 1 unit. The Housing Officer sought further details about this proposal as the house was considered unsuitable for use as a social and affordable house. The second report of the Housing Officer dated 9th June 2022 states that a standard Part V condition should be placed on any grant of permission whereby precise details can be agreed, prior to commencement of development. On this basis, I am satisfied that the First Party can provide for adequate Part V housing in accordance with the requirements for such housing and this may be agreed by way of condition in the event that permission is to be granted for this development.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, an urban and fully serviced location remote from any European site and the absence of any direct or indirect pathway between the appeal site and any 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 planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the design, scale and layout of the proposed development, its relationship to surrounding properties, to the residential zoning objective for the area and the pattern of development in the area, it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to a risk to public health, 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.

10.0 Conditions

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| 1. | <p>The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 18th day of May 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 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 dwelling 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> |

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| 3. | <p>a) The proposed effluent treatment and disposal systems shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled “Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” – Environmental Protection Agency 2021. Arrangements in relation to the ongoing maintenance of the systems shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>b) Within three months of the first occupation of each house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interests of public health.</p> |
| 4. | <p>Prior to commencement of development, the developer shall enter into water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p> |
| 5. | <p>The footpath shall be dished at road junction in accordance with the requirements of the planning authority.</p> <p>Reason: In the interest of pedestrian safety.</p> |
| 6. | <p>The developer shall submit for the written agreement of the Planning Authority details of the height and finishes of the boundary walls on the site, prior to commencement of development. The landscaping of the development shall incorporate a continuous hedge of indigenous species (e.g., holly, hawthorn or beech), which shall be planted for the full length of the northern boundary.</p> <p>Reason: In the interest of residential and visual amenity.</p> |

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| 7. | <p>Water supply and drainage arrangements, including the 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> |
| 8. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 9. | <p>Comprehensive details of a public lighting shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the proposed houses are made available for occupation.</p> <p>Reason: In the interest of public safety and visual amenity.</p> |
| 10. | <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> |
| 11. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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> |

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| 12. | <p>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 name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s). Reason: In the interest of urban legibility.</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 houses permitted, to first occupation by individual purchasers i.e., those not being a corporate entity, and/or by those eligible for the occupation of social and/or 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> |

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

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| | Development Contribution Scheme made under section 48 of the Act be applied to the permission. |
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Liam Bowe
Planning Inspector

23rd March 2023