



An
Bord
Pleanála

Inspector's Report

ABP-314599-22

Development	Demolition of existing house to create a construction entrance
Location	Clara Road, Tullamore, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	22329
Applicants	Tullamore Vista Stilo Ltd T/A Capital Homes
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Xiao Fan Chen Michael & Yvonne Bracken Francis & Patricia Mollen Clara Rd Residents Assoc. c/o Patrick Doheny Chris O'Dowd
Date of Site Inspection	31 st January 2023
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The is located at Clara Road, Tullamore, Co. Offaly, which is regional road R 420-12, within the urban speed limit. The site is currently occupied by a well maintained, detached, dormer bungalow. Clara Road at this location is characterised by individual dwellings each on their own site with direct access to the public road. There are a number of junctions to developments either side of the road. Immediately adjoining the site to the north there is a dormer bungalow with its main axis parallel to the public road and a higher portion at the back, a later addition, running at right angles to the main building. The boundary wall between the subject site and that adjoining is a capped but unplastered block wall which is approx. 1.2m high from the front building line to the road, transitioning to approx. 2m high from the rear building line to the rear boundary. There are windows facing towards the subject site. To the south there is a dormer bungalow with a gable fronted portion parallel to the subject site and a second axis parallel to the road. The boundary wall between the subject site and that to the south similarly grades from a low wall, with a hedge from the front building line forward and a higher wall (less than 2m high) extending to the rear. There is a utility pole at the back of the footpath, to the front of the site.
- 1.1.2. The site given as 0.105ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the demolition of existing dormer type dwelling house, detached domestic garage and all other existing structures to facilitate a construction entrance providing construction access to the previously granted Redwood residential development currently under construction (planning reference no. 19/39 & 21/174).
- 2.1.2. The extent of demolition is 181m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority (PA) decided to grant permission subject to 6 conditions, including:

2 a) The proposed development is hereby granted for a period of five years from the date of this planning permission. Before the end of this five year period the construction access shall be removed and the site shall be excavated over, filled with a compacted granular material and brought to road level with good quality topsoil and a two metre high concrete block wall capped and plastered shall be erected along the entire front boundary in accordance with the front building line of the adjoining dwellings. This wall shall be planted with creeper vegetation on its public facing side.

b) Prior to commencement of development, the developer shall submit for the written agreement and consent of the planning authority details of a landscaping plan for the operational and post operational phases of the construction access.

c) The developer shall submit written confirmation that all landscaping has been planted within one year of the expiry of this planning permission.

Prior to commencement of development the developer shall submit for the written agreement and consent of the planning authority details of gates for securing the site during the operational phase of the construction access.

Reason: In the interest of residential amenity.

3 a) A linear drainage channel shall be installed across the existing vehicular entrance to be discharged to a soakaway within the site or adjacent watercourse. No surface water shall be allowed to discharge onto the public road/footpath from the development.

Soakaways within the site to be designed, installed and maintained in accordance with BRE Digest 365.

b) No construction vehicles shall park on the public road during construction works. No loading or unloading will be permitted on the public roadway. The road network shall remain unaffected by the construction works at all times.

- c) All necessary measures shall be taken by the developer to prevent any spillage or deposition of clay, dust, rubble or other debris, whether arising from vehicle wheels or otherwise, on the adjoining and/or adjacent public road and footpath network during the course of the construction works.
- d) Any damage to roads, footpaths or other public property caused by the development shall be made good to the satisfaction of the Offaly County Council (OCC) District Engineer.
- e) Any works which are to be carried out from the public roadway and/or footpath shall be subject to a grant of a licence by Tullamore Municipal District.
- f) All wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Act 1996 as amended.
- g) Wheel washing facilities are to be provided for any vehicles exiting the site, prior to entry onto the public roadway.
- h) Tactile paving and drop kerbs shall be installed across the new entrance in accordance with TII standards for uncontrolled crossings.
- i) Prior to commencement of the development, the developer is to arrange for the re-location of the existing ESB pole along the front boundary. The re-location shall not dis-improve existing sightlines and the costs associated with the re-location shall be borne by the applicant / developer.

Reason: In the interest of traffic safety.

- 4 a) All development work shall be carried out in accordance with 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998.
- b) All surface water generated shall be collected and disposed of within the proposed site to the nearest pre-existing surface water drain if available or to an on-site soakaway.
- c) Storm surface water shall not, in any circumstances be allowed to enter the mains wastewater network.
- d) All wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Act 1996 as amended. While awaiting

removal, all waste materials shall be stored in designated areas protected against spillage or leachate run-off.

e) The noise at the nearest noise sensitive location (such as dwellings...) shall not exceed:-

An Leq,1h value of 55 dB(A) during the period 0800 to 2000 hours

An Leq,15 min value of 45 dB(A) at any other time.

f) Audible tonal or impulsive components should be minimised at any noise sensitive location.

g) The developer shall take reasonable measures to mitigate any environmental nuisance (noise and dust) which may arise during construction. Construction shall take place during working hours 7.00 am to 6.30pm Monday to Friday and 8.00 to 1.30 pm Saturday only unless otherwise authorised by the planning authority.

Reason: In the interest of public health.

5) 2m high wall to be erected along roadside boundary on completion.

6) Lines of sight at the proposed entrance shall be provided strictly in accordance with the requirements of table 4.2 Stopping Sight Distance (SSD) Standards, DMURS 2019 (Version 1.1). Nothing shall be planted or sown in front of these sightlines.

Reason: In the interest of traffic safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Redwood housing estate has two accesses onto Clara Road which are located approx. 300m south east of the site. One of these access is for construction traffic and the other is the residential access to the housing estate. The existing construction access is positioned where housing is proposed to be built as part of the planning permission.

- The construction access is onto the Clara Road, a regional road designed and maintained for heavier traffic.
- Lands immediately east of the site are zoned new residential. Construction traffic would be required to access these lands via other housing estates most

likely Redwood. Many dwellings in Redwood have already been occupied. Construction traffic through existing housing estates would increase traffic risks for residents.

- No contribution required.

3.2.2. Other Technical Reports

Area Engineer - conditions.

Environment and Water Services – conditions.

Roads – conditions no objection.

CFO – no objection.

3.3. Third Party Observations

3.3.1. Third party observations on the file have been read and noted.

4.0 Planning History

19 39 construction of 99 no. dwellings, comprising of 54 no. three-bedroom two storey semi-detached (type a), 14 no. four-bedroom two storey semi-detached (type b), 8 no. three-bedroom two storey end terrace (type c), 8 no. three-bedroom storey and a half mid terraced (type d), 7 no. three-bedroom bungalows (type e), 5 no. four-bedroom two storey detached with garage to rear (type f) and 3 no. four-bedroom two storey detached (type g), each dwelling is to include an option for solar panels on the roof slope, units a, b ,f and g include option for conversion of attic space into additional accommodation; (b) the provision of site development works including new site entrance, roads, paths, paving, parking, drainage, amenity space, landscaped public open space, street lighting and associated boundary treatments; (c) alterations to the existing drainage crossing the site and new surface water and storm drainage connection along the Clara Road and Rahan Road; and all associated site development works to complete the development

21 174 (a) the construction of 8 no. three-bedroom two storey semi-detached (type a) dwellings, house type a includes an option for conversion of attic space into additional accommodation,

(b) alterations to the previously approved planning permission reg; ref; pl2/19/39, consisting of changing 6 no. three-bedroom two storey semi-detached (type a) dwellings to 6 no. four-bedroom two storey semi-detached (type b) dwellings, with consequential revisions to these previously approved dwelling boundaries, house type b includes an option for conversion of attic space into additional accommodation,

(c) consequential revisions to 4 no. further previously approved adjacent dwelling boundaries, (d) all associated site development works to complete the development, including roads, paths, paving, parking, drainage, amenity space, landscaped public open space, street lighting, associated boundary treatments relating to a), b) and c)

5.0 Policy Context

5.1. Development Plan

5.1.1. Offaly County Development Plan 2021-2027 is the operative plan.

Tullamore is a key town in the Midlands region with the capacity to act as growth drivers to complement the Regional Growth Centres.

Compact growth is a core principle.

2.4.6 Urban - The Settlement Strategy seeks to strengthen the urban fabric of the county, with an emphasis on building critical mass in the Key Town of Tullamore, the Self-Sustaining Growth Town and Self Sustaining Towns. The focus is on achieving the consolidated growth of the settlements, with a significantly high proportion of housing in the existing built-up footprints of each settlement, strengthening town centres to their full potential by utilising under-utilised land and buildings and developing the settlements in a sequential manner.

ZUZO 02 the town centre zoning is referred to in appeals.

LUZO-03 Land Use Zoning Objective – Existing Residential - It is an objective of the Council to: protect and enhance the amenity and character of developed residential communities.

8.6.2 – this refers to protecting Regional routes, especially those which carry higher volumes of traffic, from development, in the interests of preserving the traffic capacity.

5.2. Natural Heritage Designations

5.2.1. The nearest Natura site is Charleville Wood SAC (site code 000571) located c1.3km straight line distance from the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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. There are five third party appeal against the decision to grant permission from: Xiao Fan Chen; Michael & Yvonne Bracken; Francis & Patricia Mollen; Clara Rd Residents Assoc. c/o Patrick Doheny; and Chris O'Dowd.

6.1.2. The grounds include:

Site notice – it is in a place where it is difficult to see it.

Residential amenity – construction traffic dust and dirt

The current entrance is dusty, noisy and very busy with large construction vehicles.

- Appellant works late and sleep during the early part of the day.
- Noise limits, how will they be controlled?
- It will be very dangerous for children using the road/footpaths.
- Application was un-available on-line for 5 days after submission.

- Site of housing development 22/329 is only a portion of the land and not connected to the proposed development. there are no official plans for '170 houses to be built at north side of Redwood' however the applicant/ developer and Offaly Co Co are both aware of larger plans.
- Site access will be permanent, not temporary.
- Traffic report on 19/39 deemed one site entrance suitable.
- The existing construction entrance should be suitable. This is not the developer's first project.
- The existing entrance would be fit to serve all intended housing units. They attach a map showing a layout for housing development.
- P 21/174 brought the Redwood development to in excess of 100 houses and should have been an SHD and EIA.
- The application was made on 29th June 2022 but the site notice was not erected until the 1st July 2022. Why was it deemed valid. Notice is concealed and not in plain sight.
- Contrary to LUZO-03.
- Contrary to LUZO-02.
- Clara Rd is a long-established residential community.
- Appellants disagree that the 'construction traffic on Redwood's internal housing estate road would greatly diminish the amenity values of public open spaces in Redwood'. The construction traffic access has a wall structure.
- No details of wheel wash.
- Overlooking of adjoining residential property.
- Delay in publishing planning report, impacted appellant's appeal.
- Restricted sightlines and proximity to junctions (Moylena and Maple Grove within 150m). Does not meet requirements of section 13.9.11 of the CDP, 150m for regional road.

- The footpath of this side of the road is preferred by pedestrians / wheelchair users.
- The planning report refers to 2 accesses onto Clara Road, has planning permission for both been granted?
- The planning report was un-available on-line for days.
- Security.
- Contrary to existing residential zoning.
- Appellants question the purpose of the pre-planning meeting noted in the Planner's report which includes a site layout for a development not yet permitted and the temporary v permanent nature of the proposed access.
- Lack of detailed drawings.
- Contiguous elevation – development will be an eyesore.
- Planning report does not comply with DMURS Volume 1.
- Table 4.2 reduced the SSD for a 50km zone to 45m and a 60km zone to 59m; 49m provided. this is a 50km zone; sign erected days before decision.
- CDP 8.6.2.
- No proof of need. Start from the back and build forward to the site entrance.

6.2. Applicant Response

6.2.1. Peter Thomson, Planning Solutions has responded on behalf of the applicant to the appeals. The response includes:

- A pre-planning meeting was held in March 2022 to discuss the proposed development. This took place in tandem with a pre-planning discussion of a possible future LRD application. i.e. two separate applications were discussed. The planner's notes that appeared on the file were in relation to the second discussion and should not have appeared on the file.
- The site notice was checked by the Area Engineer and deemed to be compliant.

- The site notice was a validation matter for the PA.
- The planner's report not available on-line for a period - it would have been available for public inspection at the planning office.
- Long-term plans – the plan was not submitted for consideration with or in support of the application now under appeal, and was not held on a public file. Any plans exhibited at pre-planning meetings are for discussion purposes only and are not binding on a potential applicant or the planning authority. They should only come into the public domain where they are referenced in a planning application for the development they refer to. It is not for consideration as part of the appeal.
- The reference in the planner's report stating that the site boundary meets the boundary of site 19/39 is incorrect. The issue is irrelevant as the land between the application site and the boundary of 19/39 is in the ownership and control of the applicant and can be developed for construction access without a further planning permission (exempted under class 16 of part 1 of schedule 2 (temporary structures and uses) of the P&D Regs 2001-2022).
- EIA screening – construction entrance is not a schedule 5 development.
- Consideration of third party observations – it is evident from the planner's report that all issues were considered.
- The applicant will furnish details of the wheel wash.
- Noise conditions are standard and will be complied with.
- All relevant conditions of 19/39 have been complied with.
- The application contained the level of detail required.
- Development plan – the development of the balance of the housing permitted under 19/39 and 21/174 and the remaining residentially zoned land in the applicant's ownership will involve developing land with no immediate road frontage, save for the application site. The applicant is closing and relocating an already existing construction entrance northwards 300m on the same road using their own property.

- The impact of construction traffic on houses within these estates would be far greater than on individual houses along Clara Road where traffic volumes are significantly greater, vehicles can be heavier and background noise levels from traffic are higher.
- The mitigation measures and planning conditions will minimise impacts on adjoining houses.
- The development is compliant with the zoning.
- LUZO-02 is not relevant. The development complies with LUZO-03.
- Restrictive policy re. regional roads – the proposed development will relocate an entrance from a location immediately adjacent to the main estate entrance and improves road safety.
- Lands on either side of the roadway will be landscaped and maintained. The existing wheel washing facility in operation close to the existing construction access will be transferred to a location immediately behind the proposed construction entrance.
- Condition c) regulates noise levels and is a standard and enforceable condition. There have been no instances of noise complaints to date.
- Sightlines – Area Engineer and Roads Design reported no objection. The Area Engineer found the sightlines acceptable. This is an urban area and the use of DMURS is appropriate. Sightlines for rural roads are not appropriate. Tactile paving will be laid across the entrance (3(h)).
- The existing construction access is permitted. It formed part of the Construction Stage Health and Safety Plan agreed with the PA in its letter of 12th December 2020. (The current site was acquired in November 2021).
- The existing construction access is not sufficient to service construction works to complete development and develop the remaining residential zoned land.
- Privacy and security concerns – the hours of construction and movement of traffic will be as permitted (4(g)). The route maximises distance from each neighbour. Behind the building line of the houses on either side hoardings will be erected to screen traffic and there will be lockable gates to prevent

unauthorised access and ensure neighbouring security (2(d)). The boundary wall with the adjoining houses can be increased in height, in consultation with the owners (5), to ensure the private rear gardens of these houses are not impacted by construction traffic. The applicant would have no objection to altering the boundary wall with the neighbour to the west where gable windows towards the front of the property are currently exposed.

- The front garden areas on either side of the access will be kept undeveloped to allow for natural surveillance.
- Demolition damage – there will be no impact.
- Limit of duration – the applicant cannot apply for a construction entrance for housing proposals that have not been the subject of a grant of permission.
- It's use as a construction access for future development – it is designed to provide access to the permitted development but that does not preclude it from serving future housing development within the 5 years.
- 19/39 – the construction entrance was permitted by condition 13(b). The existing main entrance could be used for the remainder of the permitted housing development but this is not in the interests of the amenity and safety of existing and proposed residents within Redwood.
- That it could become a permanent access – the discussion document should not be attached to this file. Future plans are not part of this application. They cannot be accused of being disingenuous.
- Landscaping and compliance with conditions 2(b) and 2(c) – all prior to commencement conditions on 19/39 and 21/174 were complied with.
- Maintenance of the hoarding – it is in the applicant's interests to maintain it. It will be set behind the existing building line and will not become a dominant feature.
- SHD – if there is another application it will be a LRD not a SHD.

6.3. **Planning Authority Response**

- 6.3.1. The planning authority responded to the appeal stating that the Road Design and Tullamore Municipal District Area Engineer have no objections to the proposal, and they request the Board to support their decision.

6.4. **Further Responses**

- 6.4.1. Francis & Patricia Mollen have responded to the other appeals supporting their contents.
- 6.4.2. Chris O'Dowd has responded to the other appeals supporting their contents.
- 6.4.3. Clara Rd residents Assoc. c/o Patrick Doheny have responded to the other appeals supporting their contents.

7.0 **Assessment**

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, need, residential amenity, traffic safety, application procedures, and other issues, and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

7.3. **Need**

- 7.3.1. Included in the grounds is:
- Site of housing development 22/329 is only a portion of the land and not connected to the proposed development. There are no official plans for '170 houses to be built at north side of Redwood' however the applicant/ developer and Offaly Co Co are both aware of larger plans.
 - Traffic report on 19/39 deemed one site entrance suitable.

- The existing construction entrance should be suitable. This is not the developer's first project.
- The existing entrance would be fit to serve all intended housing units. They attach a map showing a layout for housing development.

7.3.2. Whether the loss of a habitable dwelling is acceptable on the basis of facilitating access to a housing scheme, is a matter which needs to be considered. When permitted, the housing development, including for the construction phase, was to be accessed from the location where the entrance / construction entrance are currently located. As pointed out by the appellants, it is possible to access the development, and to complete the permitted development, using the existing accesses. It is also the case that the proposed access would make completion of the permitted residential development easier. Were no further development to be envisaged in the vicinity of the proposed access roadway, it seems most unlikely that a dwelling such as this, would be demolished for the easier access it offers.

7.3.3. Nevertheless, in the context of the permitted residential development currently under construction, I consider the loss of the dwelling acceptable.

7.4. **Residential amenity**

7.4.1. Concerns raised under this heading include the impact on Clara Road residents from the appearance of the entrance; noise; traffic; dust; wheel wash; security etc and these issues are raised in the context of Clara Road being a residential area like the Redwood development.

7.4.2. Redwood is a housing development to the south east, not directly connected to the subject site but accessible via the proposed site, across adjoining undeveloped land. The layout of the Redwood development is shown at page 5 of the planner's report, and it can be seen to be a medium density development with short setbacks for houses from the access roadway, which also runs along the public open space. This is an environment where the moderation of traffic speed and the provision of access only for traffic associated with the residences, are part of the design of the layout. In contrast Clara Road is a regional road, one of the main arteries through the town of Tullamore, which carries high volumes of goods vehicles and comprises mainly through traffic. The houses are set back behind walls, at a distance from the

roadway, and this provides the buffer from traffic which is provided in Redwood by the exclusion of through traffic.

- 7.4.3. In my opinion there will not be a significant impact on the residents of Clara Road from the increase in traffic. Impacts from noise and dust, security concerns and overlooking of adjoining residential property can be mitigated by conditions.

7.5. **Traffic Safety**

- 7.5.1. Concerns raised under this heading include: restricted sightlines and proximity to junctions; the development does not meet requirements of section 13.9.11 of the CDP, of 150m sight distance for a regional road; contrary to CDP 8.6.2; and the footpath of this side of the road is preferred by pedestrians / wheelchair users. It is stated that there are two accesses from the housing development onto Clara Road and appellants query whether planning permission for both been granted?
- 7.5.2. The applicant response is that the construction access was part the Construction Stage Health and Safety Plan agreed with the planning authority. Enforcement is a matter for the planning authority and the Board has no function in this area.
- 7.5.3. Policy CDP 8.6.2. refers to a restrictive policy in relation to new development on priority regional roads, which include the R 420, however, this policy only applies to rural sections of these roads and has no bearing on regional roads within towns.
- 7.5.4. The 150m sight distance does not apply to this section of the regional road, being within the speed limit area. The subject development is provided with adequate sightlines.
- 7.5.5. In relation to users of the public footpath, condition 3 (h) of the planning authority's decision refers.

7.6. **Application Procedures**

- 7.6.1. Concerns raised under this heading include that:
- The site notice is in a place where it is difficult to see it; the application was made on 29th June 2022, but the site notice was not erected until the 1st July 2022.
 - The delay in publishing planning report, impacted appellant's appeal.

- The planning report was un-available on-line for days.

7.6.2. The validity of the process is a matter for the planning authority. There is nothing to suggest that the proper procedure and processes have not been adhered to. The site notice was effective in informing the public, as evidenced by their engagement in the process. Providing access to the paper document remains the principal manner in which a planning application is made accessible to the public.

7.7. Other Issues

7.7.1. Concerns raised under this heading include that:

- There are no details of the wheel wash.
- The appellants question the purpose of the pre-planning meeting noted in the Planner's report which includes a site layout for a development not yet permitted and the temporary v permanent nature of the proposed access.

7.7.2. No specific issue in relation to the wheel wash has been raised. Condition 3 (a) requires the provision of soakaways within the site entrance and that surface water be discharged to a soakaway. This condition should be amended to include that no surface water should be permitted to discharge to the property of others.

7.7.3. In relation to the pre-planning meeting, the applicant response is that a planning meeting was held in March 2022 to discuss the proposed development and that this took place in tandem with a pre-planning discussion of a possible future LRD (i.e. large housing development) application, i.e. that two separate applications were discussed; the planner's notes that appeared on the file were in relation to the second discussion and should not have appeared on the file.

7.7.4. As stated under the heading 'need' earlier in this report, in the context of the permitted residential development currently under construction, the proposed development is acceptable.

8.0 Recommendation

8.1.1. Having regard to the foregoing assessment it is considered that the proposed development should be granted for the following reasons and considerations, and in accordance with the following conditions.

9.0 Reasons and Considerations

The proposed creation of a construction access along a speed controlled section of a regional road within the town of Tullamore, to serve development currently under construction which has sub-optimal construction access, would facilitate construction of residential development on appropriately zoned land, would not unduly impact on pedestrians or other users of the public road; would not unduly impact on the amenities of residents in the vicinity; and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development 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>The proposed development is hereby granted for a period of five years from the date of this planning permission. At the end of the five year period the construction access shall be removed and the site reinstated to the satisfaction of the planning authority unless permission for its retention has been obtained.</p> <p>Reason: In the interest of clarity.</p>

3.	<p>Prior to commencement of development the developer shall submit for the written agreement of the planning authority details of gates, fencing and hoarding for securing the site during the operational phase of the construction access. This shall include 2m high boundary screening along the adjoining residential properties from the front building line to the rear of the site.</p> <p>Reason: In the interest of amenity.</p>
4.	<p>a) A linear drainage channel shall be installed across the existing vehicular entrance to be discharged to a soakaway within the site or adjacent watercourse. No surface water shall be allowed to discharge onto the public road/footpath from the development, or to discharge onto the property of others.</p> <p>Soakaways within the site to be designed, installed and maintained in accordance with BRE Digest 365.</p> <p>b) No construction vehicles shall park on the public road during construction works. No loading or unloading will be permitted on the public roadway. The road network shall remain unaffected by the construction works at all times.</p> <p>c) All necessary measures shall be taken by the developer to prevent any spillage or deposition of clay, dust, rubble or other debris, whether arising from vehicle wheels or otherwise, on the adjoining and/or adjacent public road and footpath network during the course of the construction works.</p> <p>d) Any damage to roads, footpaths or other public property caused by the development shall be made good to the satisfaction of the Offaly County Council (OCC) District Engineer.</p> <p>e) Any works which are to be carried out from the public roadway and/or footpath shall be subject to a grant of a licence by Tullamore Municipal District.</p>

	<p>f) All wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Act 1996 as amended.</p> <p>g) Wheel washing facilities are to be provided for any vehicles exiting the site, prior to entry onto the public roadway.</p> <p>h) Tactile paving and drop kerbs shall be installed across the new entrance in accordance with TII standards for uncontrolled crossings.</p> <p>i) Prior to commencement of the development, the developer is to arrange for the re-location of the existing ESB pole along the front boundary. The re-location shall not dis-improve existing sightlines and the costs associated with the re-location shall be borne by the applicant / developer.</p> <p>Reason: In the interest of traffic safety.</p>
5.	<p>a) All development work shall be carried out in accordance with 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998.</p> <p>b) All surface water generated shall be collected and disposed of within the proposed site to the nearest pre-existing surface water drain if available or to an on-site soakaway.</p> <p>c) Storm surface water shall not, in any circumstances be allowed to enter the mains wastewater network.</p> <p>d) All wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Act 1996 as amended. While awaiting removal, all waste materials shall be stored in designated areas protected against spillage or leachate run-off.</p> <p>e) The noise at the nearest noise sensitive location shall not exceed:- An Leq,1h value of 55 dB(A) during the period 0800 to 2000 hours An Leq,15 min value of 45 dB(A) at any other time.</p>

	<p>f) Audible tonal or impulsive components should be minimised at any noise sensitive location.</p> <p>g) The developer shall take reasonable measures to mitigate any environmental nuisance (noise and dust) which may arise during construction. Construction shall take place during working hours 8.00 am to 6.30pm Monday to Friday and 8.00 to 1.30 pm Saturday only unless otherwise authorised by the planning authority.</p> <p>Reason: In the interest of public health.</p>
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Planning Inspector

24 February 2023

Appendix 1 Photographs

Appendix 2 Offaly County Development Plan 2021-2027, extracts.