

**An  
Bord  
Pleanála**

## **Inspector's Report ABP315788-23**

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<b>Development</b>	Construction of 2 houses and associated site works
<b>Location</b>	Site no. 12, Abbey Crescent, Ballyroan Road, Abbeyleix, Co. Laois
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	22577
<b>Applicant(s)</b>	Brook Advantage Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tony & Grace Reilly.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	23 <sup>rd</sup> June 2023
<b>Inspector</b>	Colm Ryan

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## **1.0 Site Location and Description**

1.1. The subject site is location within an existing residential development known as Abbey Crescent which is located on the Ballyroan Road approximately 1km north of Abbeyleix town centre. The site is accessed by way of an internal access road and has a stated area of 0.0694 ha. The subject site is a greenfield site.

## **2.0 Proposed Development**

- 2.1. Planning permission was originally sought to construct 2 no. two-bedroom semi-detached houses, connection to services and all associated site works. It is proposed that the dwellings will connect to the public mains and public sewer network operated by Uisce Eireann.
- 2.2. The applicant amended the proposed to a single dwelling in the form of a bungalow following a request for further information issued by the Planning Authority which recommended that the proposed number of units on site should be reduced to one.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of a decision to **grant** planning permission for the proposed development subject to 17 conditions issued by the Planning Authority, order dated 19<sup>th</sup> day of January 2023.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report is the basis for the Planning Authority's decision. There are two Reports on file because Further Information was requested. In summary, they include:

- AA Screening Report has been prepared. Nearest Natura 2000 site is the River Barrow and Rover Nore SAC.

- EIA is not required given the nature, size and location of the proposed development.
- The site is outside the confines of the Flood Zone.
- Overview of submissions received.
- Overview of planning history.
- Satisfied that the applicant has amended the proposal to a single dwelling in response to the request for further information. Elevations confirm that the dwelling would fit into the existing streetscape. Parking arrangement has been improved and garden space complies with minimum standards. Response was deemed as significant further information and notices were required. 2 no. additional submissions were received.
- The applicant has submitted a preliminary Construction Waste Management Plan in response to the request for further information which is considered acceptable.
- The applicant has submitted a response to the third-party submissions received in response to the request for further information which is considered acceptable.
- The applicant has advised that they are not the legal owners of the site but are in the process of purchasing the site. This has been confirmed in writing by the current site owner. Considered that an advice note should be attached in the event of a grant of planning permission to note that the onus is on the appellants to ensure that they have adequate legal interest to carry out the proposed development in accordance with Section 34(13) of the Planning and Development Act 2000, as amended.

The Planning Authority decision reflects the recommendation of the Planning Officer.

### 3.2.2. **Other Technical Reports**

Area Engineer: No objection subject to conditions.

Water Services: No objection subject to conditions.

### 3.3. Third Party Observations

3.3.1. 4 no. submissions were received by the Planning Authority during the initial consultation period as follows:

Ann Whitty, 17 Abbey Crescent, Abbeyleix

- The proposal for two houses is not in keeping with the estate.
- Traffic and parking issued given parking arrangement.
- Construction impacts.
- Concerns with the nature of the proposed use.
- The site is within different ownership to the stated on the application form.

Abbey Crescent Residents Association

- Contrary to the initial development plan.
- Not in keeping with existing development.
- Loss of visual amenity.
- Overdevelopment.
- Overshadowing.
- Question as to whether the measurements are correct and to scale.
- Discrepancies with respect to the legal owner of the site.
- Impact on property values in the area
- Concerns relating to the intended use of the properties.

Tony & Grace Reilly, 13 Abbey Crescent, Abbeyleix

- Discrepancy with respect to the owner of the site.
- Not in keeping with local amenity.
- External appearance.
- Loss of visual amenity.
- Flooding.
- Layout and density.
- Concerns with respect to the proposed car parking arrangement and lack of visitor spaces.
- Concerns with respect to the nature of the proposed use.
- Impact of construction works.

- Proposed garden sizes below the recommended standard.

Catherine Lalor, 14 Abbey Crescent, Abbeyleix

- Contrary to the original development plans for the estate.
- Not in keeping with Abbey Crescent.
- Traffic and parking.
- Concerns with respect to the nature of the proposed use.
- Ownership of the site.

In response to the revised notices submitted by the applicant, 2 no. additional submissions were received as follows:

Tony & Grace Reilly, 13 Abbey Crescent, Abbeyleix

- Impact of welfare facilities on neighbouring property during construction works.
- Impact of construction and location of skip during construction works.

Catherine Lalor, 14 Abbey Crescent, Abbeyleix

- Objection to proposed development on grounds previously raised.

## 4.0 Planning History

06/1129: Construct a four-bedroom dormer bungalow and all associated site works.

14/175: construct a new dwelling and all associated site works. Conditional.

## 5.0 Policy and Context

### 5.1. Development Plan

5.1.1. The relevant development plan is the *Laois County Development Plan 2021-2027*.

The site of the proposed development is located within an area zoned 'Residential 1' – *To protect and enhance the amenity of developed residential communities*.

Relevant policy statements include:

**HPO 9** – To promote residential densities appropriate to the development's location and surrounding context, having due regard to Government policy relating to sustainable development, which aims to reduce the demand for travel within existing settlements, and the need to respect and reflect the established character of rural areas.

#### **DM HS 1 – Residential Housing Development**

Applications for residential development will be assessed against the design criteria set out in Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009) and the companion Urban Design Manual: A Best Practice Guide (2009). The Design Manual for Urban Roads and Streets (DTTS and DECLG, 2013) provides guidance in relation to the design of urban roads and streets, encouraging an integrated design approach that views the street as a multi-functional space and focuses on the needs of all road users.

#### **DM HS 3 – Density Of Residential Development**

The number of dwellings to be provided on a site should be determined with reference to the document Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). Within these Guidelines a range of residential densities are prescribed, dependent on location, context, scale and availability of public transport.

#### **DM HS 4 – Landscaping And Public Open Space In Residential Developments**

Public open space shall be clearly defined and be of high quality design and finish which is easily maintained, easy to access from all parts of the development, easy to use including by people with disabilities, has good lighting and natural surveillance and is enjoyable to use, walk and cycle around all year round. These spaces should include informal play spaces, safe well-lit pathways which will facilitate children learning to cycle, adults able to walk safely and encouraging social interaction between local residents. A detailed plan for hard and soft landscaping should be submitted for each development. It should propose planting in public and private areas. Landscaping should contribute to the overall attractiveness of the development and be easily maintained.

Public open space shall comprise of the following:

- In large infill sites or brown field sites public open space should generally be provided at a minimum rate of 10% of the total site area.
- In greenfield sites, the minimum area of open space that is acceptable within the site is 10% of the total site area.
- In all other cases, public open space should be provided at the rate of 10% of the total site area.
- Where a public space is not fully usable due to the presence of infrastructure or occurrence of repeated flooding, the Council will require this to be offset by provision at another location, or addressed through a financial contribution in lieu of the shortfall arising, in accordance with the Council's Development Contribution Scheme.

SuDS are not generally acceptable as a form of public open space provision, except where they contribute in a significant and positive way to the design and quality of open space. Where the Council considers that this is the case, in general a maximum of 10% of the open space provision shall be taken up by SuDS.

#### **DM HS 5 – Public Open Space Provision for Housing Developments**

No. of Dwellings	Amenity Required
<25	Landscaped passive recreational area (sitting out and setting)
	Active amenity open space (ball games)

Public open space shall have the following characteristics:

- Public open space shall be clearly defined, easily maintained, easy to access from all parts of the development, easy to use including by people with disabilities, have good lighting and natural surveillance and is enjoyable to use, walk and cycle around all year round.
- Areas of public open space should be generally flat. While some undulation may be incorporated as a design feature, areas with high gradients, containing swales or attenuation ponds, or otherwise impractical to function effectively as amenity / play areas, will not be acceptable as open space.



- Narrow tracts of land (less than 10m) or pieces of land 'left over after planning' are not acceptable.
- Public open space should be innovative in its design approach, and designed to be functionally accessible to the maximum number of dwellings within the residential area.
- Public open space should be overlooked by as many dwellings as possible.
- Houses shall not generally be permitted to back onto public open spaces.
- Natural features and biodiversity, e.g. trees, hedgerows and wetland sites, should be retained, protected and incorporated into public open space areas.
- Appropriate pedestrian and cycle linkages between open spaces should be clearly indicated on the site layout plan.

Existing and proposed areas of open space should be linked where possible.

#### **DM HS 6 – Private Open Space In Housing Residential Development**

All houses (terraced, semi-detached and detached) should have an area of private open space behind the building line.

House Size	Minimum Requirement
1 and 2 bedroom	60 sq m
3, 4, 5 bedroom	75 sq m

Private open space shall be designed to maximise sunlight, privacy and shelter from winds and shall normally be located to the rear of dwellings. Narrow or awkward spaces, spaces which are not private and spaces also used for parking will be excluded from private open space area calculations. In general, a minimum distance of 22m should be achieved between opposing first floor windows at the rear of dwellings. The Council will only consider exceptions to the standards in exceptional circumstances where an otherwise high quality design solution is proposed, which has full regard to the characteristics and context of the site. Discretion of this standard will be dependent on-site layout characteristics and flexibility may be employed where performance-based criteria can be adequately demonstrated. (For

example, where a side garden of equal or greater dimensions can be substituted for rear garden space and where a situation of overlooking is demonstrably avoided).

**DM HS 10** – The side boundaries of rear gardens shall be 1.8m-2m in height and shall be formed by high quality boundary treatments such as concrete block walls or concrete post and rail fencing. Two-metre-high concrete walls shall be provided between all areas of public open space and gardens to the rear of dwellings. The walls shall be suitably rendered and capped in a manner acceptable to the Council. Concrete screen walls along public spaces should be avoided through quality design but where it is not possible to do this, they should be suitably rendered and capped. Proposals for planting along the public side of the wall shall be included on a landscaping plan. An additional inner grass verge shall be provided at the footpath to facilitate this if necessary. In the interest of passive surveillance, where side boundary walls adjoin the public footpath, the walls shall be a maximum of 1 metre in height as far as the rear building line of the dwelling (beyond which a 2m wall may be provided). Landscaping along boundary walls is also encouraged to promote biodiversity and green infrastructure. Open plan front gardens will generally be discouraged and will only be acceptable in innovative layouts and where a high level of safety is achieved, and services can be accommodated at a location which meets the needs of service providers. Open plan gardens will not be permitted on main access roads. In general, where provided, front boundaries shall be defined by walls or fences at least 0.5 metres high in keeping with the house design and to a uniform scheme design.

**DM HS 15** – Infill development is encouraged in principal where it does not adversely affect neighbouring residential amenity (for example privacy, sunlight and daylight), the general character of the area and the functioning of transport networks.

## 5.2. Natural Heritage Designations

- 5.2.1. The River Barrow and River Nore Special Area of Conservation (SAC) (Site Code 002162) is located approximately 3 kilometres west of the site.

5.2.2. The River Nore Special Protection Area (SPA) is located approximately 3.2 kilometres west of the site.

### 5.3. EIA Screening

5.4. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. Tony and Grace Reilly have taken this third-party appeal against the decision to grant planning permission for the proposed development. The following is a summary of their appeal:

- **Waste Management Plan:** concern with regard to the proposed location of the construction phase welfare facilities and its proximity to the entrance of the adjacent dwelling occupied by the appellant. Concern that the welfare facility will be visually obtrusive to all residents. Concern with regard to the waste associated with the welfare facility and appropriate management.
- **Overbearing:** noted that all other dwellings within Abbey Crescent are 3-bed bungalows or 4-bed dormers, while the proposed development is for a 4-bed bungalow. Concern that the proposed dwelling is overbearing and will have a dominating effect on neighbouring properties and that it is not in keeping with the rest of Abbey Crescent.
- **Overshadowing:** Impact of the northern living room space on evening daylight at the adjacent dwelling to the northeast. Advised that the northern section of the dwelling should be relocated to the west of the site to allow the adjacent property to make the most of the daylight and evening sun.

- **Significant Information:** noted that the Planning Authority's request for further information required that working hours are addressed. Also noted that the request for further information required that proposals for parking for workers vehicles, machinery and storage of construction vehicles. Noted that no response was received with regard to these requests.

## 6.2. Applicant Response

6.2.1. The applicant's response to the 4 no. items raised in the appeal is as follows:

- **Waste Management Plan:** noted that welfare facilities are a necessary commodity on a construction site and will only be in place during construction or until the dwelling house is connected to the public sewers. It is envisaged that the welfare facilities will be on site for a maximum of 10 months. The developer intends to erect hoarding on 3 boundaries of 2.4m in height to mitigate any anxiety associated with the location of the welfare facilities. The line of sight from the neighbouring house will not be available. The welfare facilities will be cleaned weekly and will be serviced by a reputable company. The proposed skip will be for construction material only and no domestic waste will be deposited in same.
- **Overbearing:** the design of the proposed dwelling has been assessed by the Local Authority planners and they are satisfied with same. The proposed 4-bed bungalow is in keeping with neighbouring dwellings. The width and designs are in keeping with those of the Abbey Crescent build as seen on sites 19, 20, 28, 30, 31 etc. the proposed dwelling house has no bearing on no. 11 property or site.
- **Overshadowing:** the single storey living room will have no greater affect on no. 13's drive or bedrooms as to that of the extension on no. 10 to no. 11. The rear jut out cannot be considered overbearing.
- **Significant Information:** the applicant envisages a maximum of 4-5 workers on site at any one time, with a maximum of 3 vehicles. Due care and diligence will be taken by the developer as to parking. The applicant does not envisage any disruption to the day-to-day life of Abbey Crescent. The applicant is an experienced builder of over 40 years in business and has built on the most

challenging of sites in Dublin and Cork City with great success, without hinderance or disruption to neighbouring lands.

### **6.3. Planning Authority Response**

6.3.1. There was no further submission from the planning authority apart from the content of the planning application.

### **6.4. Observations**

6.4.1. None.

## **7.0 Assessment**

7.1. I consider that the key issues to be addressed in the context of the current appeal are as follows:

- Waste Management
- Overbearing
- Overshadowing
- Response to Further Information

### **7.2. Waste Management**

7.2.1. The submitted grounds of appeal argue that the proposed location of the welfare facilities is highly intrusive and will cause undue anxiety and stress. The appellants also raise concerns with regard to the management of waste associated with the welfare facilities. It is suggested that the welfare facilities could have been located to the back of the site if the design of the proposed development were staying true to the established Abbey Crescent.

7.2.2. The applicant, in response, states that welfare facilities are a necessary commodity on a construction site and will only be in place for a temporary basis during construction for a maximum of 10 months. It is clarified that the developer intends to erect hoarding on 3 boundaries at 2.4 metres in height to mitigate any stress and to ensure that the line of sight from the neighbouring dwelling will not be available. It is

additionally clarified that the on-site skip will be for construction material only and no domestic waste will be deposited in same.

7.2.3. I consider that the applicant's response together with the preliminary Construction Waste Management Plan submitted at further information stage has provided sufficient clarity with regard to waste management during the construction phase. I am satisfied that appropriate mitigation measures will be implemented to ensure that the welfare facilities that will be utilised on site for a temporary period of time during construction will not cause any undue negative impact on neighbouring properties.

### **7.3. Overbearing**

7.3.1. The submitted grounds of appeal argue that the proposed dwelling is not in keeping with the Abbey Crescent. It raises concern that the proposed dwelling is overbearing and will have a dominating effect on neighbouring properties.

7.3.2. The applicant, in response, highlights that the design of the proposed development has been accessed and deemed acceptable by the Planning Authority planners. It is submitted that the width and designs are in keeping with those of the Abbey Crescent as seen on sites 19.20,28, 30 and 31. Overall it is submitted that the proposed dwelling house has no bearing on the adjacent property.

7.3.3. I note that the original plans as submitted on 19<sup>th</sup> September 2022 included for 2 no. semi-detached dwellings. It was highlighted that this was contrary to the density allocation of 15-20 dwellings for hectare and it was recommended in a request for further information that the number of units be reduced to one. In their response to further information the applicant submitted revised plans for a 4-bed bungalow which was considered acceptable by the Local Authority.

7.3.4. I consider that the proposed bungalow as illustrated in plans submitted on 24<sup>th</sup> November 2022 is in keeping with the Abbey Crescent and that the applicant has satisfactorily addressed the concerns surrounding the design and layout of the proposed development.

### **7.4. Overshadowing**

7.4.1. The submitted grounds of appeal argues the northern living room space will have a negative impact on evening daylight at the adjacent dwelling to the northeast. Advised that the northern section of the dwelling should be relocated to the west of

the site to allow the adjacent property to make the most of the daylight and evening sun.

7.4.2. The applicant, in response, submits that the single storey living room will have no greater effect on the adjacent property as to that of the extension of unit no. 10 to unit no. 11. It is submitted that the rear jut out cannot be considered overbearing.

7.4.3. I consider that the design of the proposed dwelling is in keeping with the Abbey Crescent and that the proposed development presents appropriate scaling and massing. It is considered that the northern living room 'jut out' will not cause any undue negative impact on the daylight and evening sunlight associated with the adjacent property given that it is a single storey structure.

## **7.5. Response to Further Information**

7.5.1. The submitted grounds of appeal argues that the Planning Authority's request for further information has not been appropriately addressed in terms of working hours, proposals for parking for workers vehicles, machinery and storage of construction vehicles.

7.5.2. The applicant, in response, reiterates that a maximum of 4-5 workers will be on site at any one time with a maximum of 3 vehicles. It is submitted that due care and diligence will be taken by the developer as to parking.

7.5.3. I note that a preliminary Construction Waste Management Plan (CWMP) was submitted by the applicant in response to a request for further information on 24<sup>th</sup> November 2022. This document provides a construction site plan which illustrates the skip location, welfare facility location, and site access and egress during construction.

7.5.4. I note that the submitted CWMP does not make reference to working hours. The appropriate working hours which must be adhered to are attached as planning condition 13 and it is therefore considered that this matter will be appropriately addressed at construction stage.

## **7.6. Appropriate Assessment Screening**

7.6.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any

European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

## 8.0 Recommendation

8.1. The recommendation is to uphold the planning authority's decision, and grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Laois County Development Plan 2021-2027, it is considered that, subject to compliance with the attached conditions, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	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 24 <sup>th</sup> day of November 2022 and 20 <sup>th</sup> day of December 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.  <b>Reason:</b> In the interest of clarity.
2.	The proposed house including the external finishes shall be consistent with details received by the Planning Authority on 24/11/2022 unless otherwise



	<p>agreed in writing with the Planning Authority prior to commencement of any development.</p> <p><b>Reason:</b> In order to assimilate the development on this site into the surrounding rural area, in the interests of visual amenity and the proper planning and sustainable development of the area.</p>
3.	<p>The site and entrance shall be landscaped and laid out in accordance with the Site Layout Plan, received by the Planning Authority on 24/11/2022.</p> <p><b>Reason:</b> To protect the rural character of the area.</p>
4.	<p>The overall site shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.</p> <p><b>Reason:</b> In the interest of clarity and to regulate the use of the development in the interest of the proposer planning and sustainable development of the area.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>(a) Only clean uncontaminated surface water from the development shall be discharged to the surface water system.</p> <p>(b) The development shall not interfere or impair the operation of any existing surface water drainage system or land or roadside drainage currently facilitating the application site. No run off shall be allowed on to the public road or adjoining properties.</p> <p>(c) All surface water shall be collected and disposed of to soakaways or water system designed and constructed in accordance with B.S. 8301:1985 and BRE Digest 365 and provided with inspection manhole covers. No surface water shall be discharged to the foul system.</p> <p><b>Reason:</b> To prevent interference with existing land or road drainage and in the interests of proper development and in the interest of sustainable drainage of the catchment.</p>

7.	<p>(a) The entrance to the site shall be constructed in accordance with the site layout plan received by the Planning Authority on 24/11/2022.</p> <p>(b) Adequate sight distances of 50m shall be created and maintained in both directions at the site entrance. The sight distances shall be measured from a point 3 metres in from the road edge and from a drivers eye height of 1.05 metres to an object height of 1.15 metres.</p> <p>(c) All areas forward of the sight splays, excepting access way, shall be grassed up to the metalled edge of the road. No wall, excepting the wing walls for the access, shall be erected as part of the boundary, whether or not such development would constitute 'exempted development' under the terms of the Planning and Development Regulations, 2001 as amended.</p> <p>(d) Any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the Planning Authority.</p> <p><b>Reason:</b> To ensure the provision of an adequate entrance to the development in the interests of traffic safety.</p>
8.	<p>The developer shall ensure that an electrical vehicle charge point is provided linked to the individual domestic electricity meter.</p> <p><b>Reason:</b> To promote the use of renewable energy.</p>
9.	<p>No spoil, dirt, debris or other materials shall be deposited on the public road or verge by machinery or vehicles traveling to or from the development site during construction phase.</p> <p><b>Reason:</b> To ensure that the developer keeps the public areas adjacent the development in a suitably clean state of repair during construction works.</p>
10.	<p>(a) The developer shall consult with ESB regarding any overhead power line prior to the commencement of any work on this development.</p> <p>(b) Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.</p> <p><b>Reason:</b> In the interests of traffic safety and residential amenity.</p>

11.	<p>(a) Save for that which needs to be removed in order to create the proposed entrance and sightlines, all remaining boundary screening shall be retained and not removed save with the prior written consent of the Planning Authority.</p> <p>(b) Site boundaries shall be planted with trees/shrubs of species native to the area to form naturalised hedgerows similar to existing native hedgerows in the vicinity. Species shall include hawthorn, blackthorn, ash, oak, hazel and holly; beech [<i>fagus sylvatica</i>] shall not be used.</p> <p>(c) Planting shall be carried out in the first planting season following commencement of development.</p> <p>(d) In the event of tree/hedge failures, these shall be replaced within the following planting season.</p> <p><b>Reason:</b> in the interests</p>
12.	<p>(a) During the construction stage of the proposed development, the developer shall comply with sections 3.2, 3.3 and 3.4 of the document titled 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects' published by the Department of the Environment, Heritage and Local Government.</p> <p>(b) During the development works, the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the adjoining public thoroughfare and properties in a neat, tidy and safe condition.</p> <p><b>Reason:</b> In the interests of the reduction and best practice management of construction waste from the proposed development, public health, pollution control and traffic safety.</p>
13.	<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>

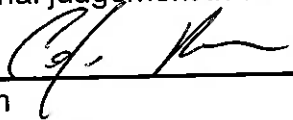
	<p><b>Reason:</b> In order to safeguard the [residential] amenities of property in the vicinity.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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>

**Advice Note to Applicant:**

The applicant is advised that Section 34(13) of the Planning and Development Act 2000, as amended, states that 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'. Thus, in the event of any grant of planning permission, the onus is on the applicant to ensure that you have adequate legal interest to carry out the proposed development.

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.



---

Colm Ryan  
Planning Inspector

28<sup>th</sup> September 2023

