



An
Bord
Pleanála

Inspector's Report

ABP-315825-23

Development	Erection of a fully serviced residential housing development of 40 units.
Location	Lands to the east of and accessed via the existing development at Forest View, Banagher Road (R439), Townparks, Birr, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	22274
Applicants	Fitzpatrick & Heavy Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Forest View Resident's Assoc
Date of Site Inspection	4 th August 2023
Inspector	Dolores McCague

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Townparks, Birr, Co. Offaly, at the northern end of the town of Birr, east of Banagher Road (R439), and accessed via the existing development at Forest View, which comprises a short spur road to which there is direct access to 8 dwellings and from which a short spur road extends northwards at the junction with the R439 to serve a further 3 dwellings. The road is currently poorly surfaced.
- 1.2. The site is given as: development area 1.377ha + wayleave area 0.257ha = 1.634 ha total.

2.0 Proposed Development

- 2.1.1. The application dated, 31st May 2022, is for permission for a fully serviced residential housing development of 40 units. It is to comprise single storey and two storey semi-detached and terraced units.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decision, dated 20th January 2023, was to grant permission subject to 23 conditions, including:

3 – part V, 4 completion, 5 – development charge, 6 – bond, 7 – finished floor levels (ffl), 8 – boundary treatment, 9 – open space, 10 details and materials, 11 – Irish Water, 12 – surface water attenuation, 13 – naming, 14 – signs, 15 – waste, 16 – Construction Environmental Management Plan (CEMP), 17 – environmental conditions, 18 – roads in Forest View, 19 – parking, 20 - public lighting, 21 – undergrounding of cables, 22 – completion, 23 – restricting first occupancy of apartments to individual purchasers.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- 3.2.2. There are three planning reports on the file. The first, dated 22nd July 2022, recommending further information (FI), which issued, includes:
- Detailed assessment of layout, house types and standards.
 - Land ownership – the applicant has provided a letter fo consent from the landowner, Liam Walsh. In addition a letter had been provided by Fiona Egan of Bowford Ltd, which they note relates to access over the road at Forest View and a strip of land at the end of Forest View.
 - AA screening assessment, AA not required.
- 3.2.3. Other Technical Reports
- 3.2.4. CFO, 23rd June 2022, no objection,
- 3.2.5. Water Services & Environment, 2nd July 2022 – conditions.
- 3.2.6. Roads Design 19th July 2022 – construction traffic volumes.
- 3.2.7. Roads Design 15th July 2022 – list of FI requirements, incorporated in FI request.
- 3.2.8. Housing, 13th July 2022, re. Part V compliance; satisfied.
- 3.2.9. Water Services & Environment, 20th July 2022, FI, Re. stormwater.
- 3.2.10. Birr Municipal Engineer, 15th July 2022 – further information.
- 3.2.11. Water Services & Environment, 20th July 2022 – further information.

3.3. **Third Party Observations**

- 3.3.1. Third party observations on the file have been read and noted. Issues raised include: junction sightlines, congestion, road width, parking, current use by traffic delivering students to the college opposite.

3.4. **Further Information**

- 3.4.1. Further Information on 15 items, issued 25th July 2022:
- Net residential density.
 - Surface water gully location,
 - Stage 1/2 Road Safety Audit.

- Construction traffic volumes.
- Compliance with accessible parking and EV parking space requirements.
- The width of the proposed internal road is 4.8m. It should be increased to 5.5m.
- Surface water details.
- Public open space.
- Green Infrastructure Masterplan.
- Phasing.
- Streetscape elevation of the proposed entrance from Forest View into the proposed development.
- Apartments - show compliance with standards, and DMS-08.
- Proposals for screening the exposed northern boundary.
- Details to confirm Forest View road is suitable for construction traffic, and proposals to connect to footpaths to south.
- Invitation to respond to third party submissions.

3.5. Further Information Response

- 3.5.1. The further information response received, 14th September 2022, (and notices 7th October 2022), includes:

Revised drawings from: Fitzpatrick & Heavy Homes – Scheme Architects, Malone O'Regan – Traffic & Transportation, Philip J Landscape Architecture – Landscape Architects, and Roadplan – Road Safety Auditors.

Schedule of accommodation for the 8 apartments from Fitzpatrick & Heavy Homes Ltd.

Responses:

- 1 Circular NRUP 02/2021 is referred to as regards density.

Those lands currently available to provide for residential development, as do not prejudice future development potential, represents a net development area of 1.152ha. Therefore the net residential density is 34.75units per ha.

2 Malone O'Regan drawing refs 22007-DR-CE-00102-Rev2 & 22007-DR-CE-00111-re. surface water within the site and to an outfall. Malone O'Regan drawing refs 22007-DR-CE-00102 – proposed foul and surface water layout Rev 2 indicates surface water drainage gullies. Gullies have been positioned at the foot of the new raised table. The raised table will be laid to fall back into the site thereby ensuring no additional surface water will discharge onto the existing Forest View road.

3 A Stage 1/2 Road Safety Audit has been carried out and incorporated into the development. It indicates proposals for the new section of footpath linking Forest View with the existing footpath on the R439 towards Birr.

A sightline layout was submitted with the application. No issue regarding driver visibility was reported in the Road Safety Audit. The Road Safety Audit recommended traffic calming measures, and a speed table has been introduced at the entrance from Forest View.

4 A preliminary Construction Traffic Management Plan by Malone O'Regan, which was omitted in error from the application documents, is provided. Access will be from the north; a maximum of 15-20 truck movements in and out per day (30-40 total); based on an 8 hour day; 2-3 truck movements during peak hours. The main contractor will be required to prepare a detailed, site-specific Construction Traffic Management Plan for the project.

5 Fitzpatrick & Heavy Homes drawing 22.101.06C and Malone O'Regan drawing 22007-MOR-DR-CE-00101 show parking spaces and EV charging locations. The majority of parking is in curtilage, mostly with the tolerances required for accessible parking and which enable domestic EV charging points. Of the 10 visitor spaces, 4 are accessible and will be ducted for EV charging.

6 In consultation with the Area Engineer, road widths have been increased to 5.0m, consistent with the recommendations for 'Local Streets' in the Design Manual for Urban Roads and Streets.

7 Malone O'Regan drawing refs 22007-MOR-XX-DR-CE-00102-Rev2 & 22007-MOR-XX-DR-CE-00111-refers to surface water within the site and to an outfall. Malone O'Regan drawing refs 22007-DR-CE-00102 – shows the outfall and the route of the existing watercourses, which connect to the Little River Brosna.

8 Philip J Landscape Architecture - it is not appropriate to have a hierarchy of open spaces. The single centralised area of 2,030 sq m is approximately 17% of the site and all units have beneficial and readily available access. It accords with DMS-21 and makes provision for children's play but primarily informal sitting out areas and satisfies the requirement for desire line access points and connections to green infrastructure and existing and proposed biodiversity corridors.

9 Philip J Landscape Architecture – the existing hedgerow which defines the east and west boundaries is to be retained. The landscape proposal includes 105m of additional native hedging within the public open space; and 30 new trees. This corresponds with DMS-22.

10 There will be no phasing as per DMS-28 phasing is principally required for development in excess of 50 units.

11 Streetscape elevation of the proposed entrance from Forest View into the proposed development was provided in drawing ref 22.202.07 by Fitzpatrick & Heavy Homes at application stage. A further drawing 22.101.07A by Fitzpatrick & Heavy Homes is provided.

12 Details provided in tabular format of Housing Quality Assessment showing compliance with standards.

13 Philip J Landscape Architecture drawings 201-FB.01-DRW-FI & 250-FB.01-DET – four additional trees, of native species, along this boundary to bring the total to nine. A 55m run of native hedgerow (hawthorn) defines this boundary also.

14 Applicant has liaised with Offaly County Council and they have confirmed that Forest View is taken in charge, and conditions as would apply with construction activity will apply.

15 Responses to third party submissions:

Removal of green area and loss of biodiversity,

Construction impact,

Traffic and Transport,

Inadequate road infrastructure,

Inadequate parking,

Legal ownership,
Out of scale and character,
Active transport and permeability,
No TIA/TTA,
De-value property,
Overlooking,
Prematurity and lack of masterplan,
Housing tenure, and
Stakeholder engagement.

3.6. Further Reports

- 3.6.1. The second planning report, dated 2nd Nov 2022, recommending clarification of further information, which issued, includes: satisfied with most responses but clarification of further information is required to complete the assessment.
- 3.6.2. Road Design, 28 Oct 2022 – details of improvements to visibility to the north of Forest View junction not identified.
- 3.6.3. Birr Municipal District Engineer, 1 Nov 2022 - conditions.
- 3.6.4. Water Services & Environment, 2nd Nov 2022 – conditions
- 3.6.5. Roads Design 19th Jan 2023 - conditions.

3.7. Clarification of Further Information

- 3.7.1. A request for clarification of further information (CFI) on 3 items, issued 2nd Nov 2022:

Road safety – measures to improve driver visibility to the north of the junction.

Density.

Third party submissions.

- 3.8. Clarification of Further Information Response

- 3.8.1. A clarification of further information response was received, 29th November 2022, (and notices 16th December 2022), included:

Revised drawings from: Fitzpatrick & Heavy Homes – Scheme Architects, Malone
O'Regan – Traffic & Transportation, and Roadplan.

1 Sightlines of 70m are achievable. The speed limit on the R439 at the Forest View junction is 50km/hr. Because it is below 60km/hr the junction is considered to be within an urban area and the required visibility standards are those outlined in the Design Manual for Urban Roads and Streets. DMURS Table 4.2 is copied.

DMURS section 4.11 states that design speed must not be updesigned.

DMURS section 4.4.5 states that at junctions, the visibility on either side of the junction must be greater than the SSD (stopping sight distance). Drawing no 22007-MOR-ZZ-XX-DR-CR-00113 shows visibility of at least 70m from a 2.4m setback and meets the DMURS requirements. Photographs are provided. Vegetation on the roadside of the existing low wall has potential to obscure visibility in future. The applicant would be willing to remove, or cut back any such vegetation if conditioned by the Local Authority.

2 The PA could determine the application on a gross site area of 1.377ha which would represent a density of 29 units per ha, which is allowable in the ministerial circular (NRUP 02/2021), quoted.

3 Responding to observations – regarding the Birr LAP under review.

- 3.8.2. Further Reports

- 3.8.3. The third planning report, dated 20th Jan 2023, recommending permission, which issued, includes:

Satisfied with responses.

4.0 Planning History

Site and lands within the same ownership.

PL2 20/531 planning application for 73 residential units, by Liam Walsh & Company Ltd, withdrawn.

BR1602 FAS Training & Employment Authority, permission granted, 2009, to construct a site entrance and access from FAS lands onto the link road proposed between the R426 and N52.

BR 1563 permission granted to Finbar McLoughlin for a housing development of 204 units and creche, new link road from Banagher Road.

BR 1358 permission granted to Respond Housing Association for 224 no dwelling units (2005); and granted on appeal.

BR 1121 permission granted in 2000, to Cambell Construction for housing development.

Adjoining lands to the south:

19/282 planning permission granted in 2000, to Liam Walsh & Company Ltd, for 18 residential units, access via permitted development 18/235 McAuley Drive.

18/235 planning permission granted to Liam Walsh & Company Ltd, for 16 residential units, access via McAuley Drive.

Pre planning consultation – BR 22/07.

5.0 Policy Context

5.1. Development Plan

5.2. Offaly County Development Plan 2021-2027

5.2.1. Offaly County Development Plan 2021-2027 is the overarching plan for the area. These lands are within the development area boundary of Birr Local Area Plan.

5.2.2. Relevant provisions Offaly County Development Plan 2021-2027 include:

SSP-03 It is Council policy to strengthen the core of settlements and encourage the compact growth of settlements by way of the development of infill sites, brownfield lands, under-utilised land / buildings, vacant sites, and derelict sites within the existing built-up footprint of the settlements and develop outwards from the centre in a sequential manner.

Table 2.2 Core Strategy Table includes a housing supply target of 441 units between 2021 and 2027, divided between mixed use, brownfield and new residential zonings.

Self-Sustaining Growth Town (Birr)

SSP-08 It is Council policy that Birr, a Self-Sustaining Growth Town, continues to grow at a sustainable level and at a commensurate scale in accordance with the Core Strategy Table in an effort to become more self-sustaining.

5.3. Birr Local Area Plan 2023- 2029

5.3.1. The Birr Local Area Plan was adopted since the appeal was made and is effective from the 26th June 2023.

5.3.2. Relevant provisions of Birr Local Area Plan include:

Subject land is zoned 'New Residential - LUZO-04 Provide for new residential development and other services incidental to residential development.'

Forest View adjoining is zoned 'Existing Residential - LUZO-03 Protect and enhance the amenity and character of developed residential communities'.

Lands east and west of the subject site are zoned 'Strategic Residential Reserve - LUZO-05 Provide lands for development at some time in the future but it will not be considered for development purposes during the current plan period'.

CIO-08 Reserve land for an access link to the Birr Northern Distributor road from zoned residential land to the south, in consultation with and in agreement with TII.

5.4. **Natural Heritage Designations**

5.4.1. The closest Natura site is Dovegrove Callows SPA (site code 004137) located c1.2km straight line distance north east of the subject site.

5.5. **EIA Screening**

5.5.1. The development is sub-threshold: Schedule 5 Development for the purposes of Part 10: Part 2. Item 10. Infrastructure projects (b) (i) construction of more than 500 dwelling units; being a development of 40 dwellings. The location is on zoned, serviced land within a town in a location with no notable sensitivities.

5.5.2. 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. Andrew Hersey Planning has submitted this appeal on behalf of Forest View Residents Association, the grounds include:

- Prematurity pending the adoption of the Birr Local Area Plan 2023-2029,
- Prematurity pending the completion of the Birr Northern Distributor Road,
- Access and Traffic Safety.

1 They have submitted observations on the LAP, to have the development lands accessed from the Birr Northern Distributor Road. They understand that the LAP will be adopted with these amendments, which they wish the Board to take account of.

CIO-08 Reserve land for an access link to the Birr Northern Distributor Road from zoned residential land to the south, in consultation with and in agreement with TII.

The zoned residential land to the south includes for the proposed development site. There is a clear indication that these lands are to be served by an access link to the Birr Northern Distributor Road.

They consider the proposed development would be contrary to objective CIO-08.

2 Work has commenced on Birr Northern Distributor Road which is a priority project.

An application for permission for a new primary school on lands owned by the same owner, Reg Ref P22-267, is to be decided. Access is from the Birr Northern Distributor Road. If access is available for the school why not for residential development.

3 The further information responses re suitability of the road at Forest View for construction traffic were unsatisfactory. Condition 18 is noted, but does not stipulate who is responsible for upkeep once works are carried out.

There will be a 6 fold increase in traffic at the junction with the R439, which is already very busy. No traffic counts were carried out. Movements at the junction will be hazardous and will cause traffic to back up on the local road. It will have a profound impact on their residential amenity.

The zoning objective for existing residential to allow for: ‘the conservation and enhancement of the quality and character of existing residential areas, to protect residential amenities’ is being contravened.

6.2. Applicant Response

6.2.1. A response on behalf of the applicant was made by The Planning Partnership, which includes:

- Proposed material amendment PMA 26 CIO-08 – the chief executive response is quoted:
- Preparation of a masterplan for lands to the east of Forest View is not considered necessary at LAP level, the layout of these lands can be addressed through the Development Management process.

Street networks are to be designed to maximise connectivity between destinations to promote higher levels of permeability in line with the objectives set out in Chapter 3 of the Design Manual for Urban Roads and Streets. No further change to the draft plan was recommended on foot of the submission.

- The proposal is consistent with Development Management decisions locally – 18/235 and 19/282 are illustrated.
- Re. prematurity pending the completion of the Birr Northern Distributor Road. The proposed development is not dependent on the Birr Northern Distributor Road. The delivery of the Birr Northern Distributor Road is not within the power of the applicant.

- The rationale for the Birr Northern Distributor Road given in the chief executive response to submissions, is quoted: the Birr Northern Distributor Road is intended to serve a strategic function linking the N52 and R 439 and is not intended to serve a proliferation of individual accesses, which would reduce the overall efficiency of the route. They have the consent of the landowner to lodge an application on the subject lands with an easement, as indicated, to link the foul and surface water network to the north of the application site. The applicant has no other interest in the land to the north. The Birr Northern Distributor Road presents an opportunity in the future, as part of a connected community.
- Access and Traffic – Malone O'Regan Consulting Engineers – the junction was subject to a stage 1/2 Road Safety Audit completed by Roadplan. The audit confirmed the acceptability of the junction. The road is ultimately to be taken in charge. Re. the road as a play space, additional green space will benefit all residents including those in Forest View. Upkeep of the road will revert to the local authority. The existing road would be planed down prior to the application of 100mm surfacing. The works will not increase road levels. Traffic counts would only be necessary if there was a concern about capacity of the junction. There is no suggestion of undue delays leaving Forest View.
- Malone O'Regan would reiterate the requirement of DMURS to avoid over designing. The additional units would not justify a filter lane.
- Re hazardous right turning movements, these are not qualified, and sufficient sightlines have been demonstrated.
- The planning process has rigorously proofed the access road and junction.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority has responded requesting the Board to uphold their decision.

7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, principle of the development, Birr Northern Distributor Road, access

and traffic safety, and residential amenity, 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. Principle of the Development

- 7.3.1. The grounds of appeal states that the proposed development is premature pending the adoption of the Birr Local Area Plan. Since the appeal was made the plan has been adopted and is effective from the 26th June 2023.
- 7.3.2. This area is zoned New Residential - LUZO-04 Provide for new residential development and other services incidental to residential development. The proposed development is acceptable in principle.

7.4. Birr Northern Distributor Road

- 7.4.1. The grounds of appeal states that the proposed development is premature pending the provision of the Birr Northern Distributor Road.
- 7.4.2. In response the applicant refers to the Chief Officer's Report on submissions on the Local Area Plan, that the Birr Northern Distributor Road is intended to serve a strategic function linking the N52 and R 439 and is not intended to serve a proliferation of individual accesses, which would reduce the overall efficiency of the route.
- 7.4.3. Regarding objective CIO-08 'Reserve land for an access link to the Birr Northern Distributor road from zoned residential land to the south, in consultation with and in agreement with TII,' other lands south of the road are zoned for residential development as 'Strategic Residential Reserve', and these lands may avail of an access link to the Birr Northern Distributor road in due course.

7.4.4. The subject site has access available via the public road at Forest View and is not premature pending the provision of the Birr Northern Distributor Road.

7.5. Access and Traffic Safety

7.5.1. The grounds of appeal expresses concerns regarding the use of this public road for the additional traffic generated by the proposed development, including construction traffic. The road has up until now been largely used only by residents, and is used by them for on-street parking and children's play, in addition to access.

7.5.2. The road through Forest View, is a public road, and is to be re-surfaced prior to development commencing. The junction with the Banagher Road (R439) is within the controlled speed limit area. If traffic speeds on the R439 exceed the permitted limit, the planning authority has the power to implement various measures to restrict speeds on the road. The safety of road users has been examined in detail by the applicant's advisors and by the planning authority and the Forest View road has been found to be capable of accommodating the proposed additional use. The existing public roadway will provide a satisfactory access for both the construction and operational phases of the development.

7.5.3. Access and traffic safety should not be reasons to refuse or modify the proposed development.

7.6. Residential Amenity

7.6.1. The residents have enjoyed a very quiet rural environment, since the houses were developed c30 years ago, however these adjoining lands are a natural extension of the town and have been zoned for residential development. The proposed use of single storey dwellings along the extended Forest View road is an acceptable response to the existing development in Forest View.

7.6.2. There is nothing on the file to indicate that there will be any adverse impact on the residential amenity of the existing residential properties, arising as a result of the proposed development; and residential amenity should not be a reason to refuse or modify the proposed development.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that the planning permission be granted for the following reason and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed residential development on zoned and serviced land, accords with the Offaly County Development Plan 2021-2027 and the Birr Local Area Plan 2023-2029, would not give rise to traffic congestion or hazard on the public road, would not unduly impact on the residential amenities of the area 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 as amended by the further plans and particulars submitted on the 14th day of September 2022 and on the 29th day of November, 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>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. Where such an agreement is not reached within eight weeks</p>

	<p>from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
3	<p>The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy or the "Recommendations for Site Development Works for Housing Areas", as appropriate. Prior to commencement of development, the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
4	<p>The finished floor levels of the residential units shall be as specified on drawing no. 22.101.04 Rev 1 received by the planning authority on the 29th November 2022 and shall not be modified in any way without the prior written consent of the planning authority.</p> <p>Reason: In the interest of clarity.</p>
5	<p>The landscaping scheme shown on drg no.201-FB.01-DRW and 250-FB.01-DET, as submitted to the planning authority on the 14th day of September, 2022 shall be carried out within the first planting season</p>

	<p>following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
6	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
7	<p>(a) The roofs of the proposed dwellings shall be blue-black or slate-grey in colour throughout (including ridge tiles) using slates or flat-profile tiles only.</p> <p>(b) Photographic samples of all external building materials 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>
8	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>

9	<p>a) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority:</p> <p>i) Further details of the proposed attenuation storage unit. The unit shall be of sealed construction to prevent its storage capacity from being depleted as a result of infiltration from ground /surface water.</p> <p>ii) Site specific details of the proposed flow control device. Details shall show how the depth of storage relationship together with the head discharge relationship will be suitable for the proposed attenuation unit.</p> <p>b) Surface water run-off from roofs, roads and hardstanding areas shall be collected and disposed of within the site, as agreed with the Planning Authority. No such surface water run-off shall be allowed to flow onto the public roadway, adjoining properties or to enter the public wastewater network.</p> <p>Reason: In the interest of orderly development.</p>
10	<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.</p> <p>No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
11	<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 hours of working, noise</p>

	<p>management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12	<p>The noise level during site development and building works shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location between 0800 and 1900 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
14	<p>Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of resurfacing of Forest View; and the developer shall liaise with the Birr Municipal Engineer with regard to the design and provision of the proposed footpath from Forest View to link up with the existing footpath to the south.</p> <p>Reason: In the interests of pedestrian safety.</p>

15	<p>Public roads shall be maintained in a clean state for the duration of site development works and construction.</p> <p>Reason: In the interests of orderly development and traffic safety.</p>
16	<p>Public Lighting shall be energy efficient LED lighting, and shall be in accordance with the standards laid down in the current ESB Publication 'Public Lighting in Residential Estates'. Lighting levels and arrangements shall not cause excessive glare or distraction to road users or adjoining property owners. Lighting shall be adequately cowled (or otherwise treated) to prevent overspill.</p> <p>Reason: In the interests of provision of adequate and suitable public lighting.</p>
17	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
18	<p>Visitor parking space in communal parking areas shall be clearly identified, and at least 20% of communal spaces shall be provided with functional electric vehicle charging points. All in-curtilage car parking spaces shall be provided with electric connections to the exterior of the house to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of sustainable transportation.</p>
19	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in</p>

	<p>the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units 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 interests of the common good.</p>
20	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
21	<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>
22	<p>The developer shall pay to the planning authority a financial contribution of €160,400 (one hundred and sixty thousand four hundred euro) in respect</p>

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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Planning Inspector

17 August 2023

Appendices

Appendix 1 Photographs

Appendix 2 Offaly County Development Plan 2021-2027

Appendix 3 Birr Local Area Plan 2023-2029