



An  
Bord  
Pleanála

# Inspector's Report

## ABP-317375-23

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<b>Development</b>	Construction of a house
<b>Location</b>	The Rear of 'Spionkop', Scotchman's Road, Monkstown, Co.Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	234645
<b>Applicant(s)</b>	Nyhan Doyle
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First and Third Party
<b>Appellant(s)</b>	Nyhan Doyle Donal McDonnell Patrick and Geraldine O'Callaghan
<b>Observer(s)</b>	None on File
<b>Date of Site Inspection</b>	1 <sup>st</sup> September 2023
<b>Inspector</b>	Sarah Moran

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## 1.0 Site Location and Description

- 1.1. The site, stated area 0.177 ha, is located to the rear of an existing single storey house at Scotchman's Road, Monkstown, Co. Cork. It has an elevated location overlooking Cork Harbour, within the settlement of Monkstown. Levels rise from the public road within the site. There are existing dwellings and associated grounds to the east and west of the site and agricultural lands to the rear.

## 2.0 Proposed Development

- 2.1. Permission is sought to construct a new two storey dwelling with rear garden and parking area to the rear of the existing house. The overall site is to be subdivided, with both existing and proposed dwellings accessed via the current access to Scotsman's Road. The development also involves the provision of two no. car parking spaces to the rear of the existing house at the site, to serve the existing residential unit. It is to connect to the public sewer and water supply.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Cork County Council issued a notification of a decision to grant permission on 29<sup>th</sup> May 2023, subject to 18 no. conditions. The conditions imposed did not require any significant alterations to the development. The following conditions are noted in particular:

*6. Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall provide, to the satisfaction of the Planning Authority, security in the amount of €5,000 to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Conditions 4 and 5. The sum lodged pursuant to this condition shall be refunded only when it is certified by the Planning Authority that the planting and landscaping have been completed to its satisfaction.*

*Reason: To ensure the satisfactory completion of the development.*

8. Sight distance of 50m to the East and 50m to the West shall provided from centre point of entrance 3m back from public road edge. No vegetation or structure shall exceed 1m in height within the sight distance triangle.

*Reason: To provide proper sight distance for emerging traffic in the interests of road safety.*

9. Vegetation or any structure shall not exceed 1m in height within the sight distance triangle.

*Reason: To provide proper sight distance for emerging traffic in the interests of road safety.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Report of Executive Planner, 29<sup>th</sup> May 2023. Recommends permission subject to conditions.

#### 3.2.2. Other Technical Reports

Area Engineer, 29<sup>th</sup> May 2023. Recommends permission subject to conditions.

Liaison Officer, 29<sup>th</sup> May 2023. No comment.

### 3.3. Prescribed Bodies

3.3.1. Uisce Éireann submission dated 10<sup>th</sup> May 2023. No objection.

### 3.4. Third Party Observations

3.4.1. The planning authority received submissions from the above named third party appellants, which objected to the development on grounds similar to those raised in the grounds of appeal.

## 4.0 Planning History

### 4.1. Reg. Ref. 06/6669

4.1.1. Permission granted to Nyhan and Deirdre Doyle for a dwelling at the subject site.

## 4.2. **Reg. Ref. 17/07402**

4.2.1. Permission sought by Nyhan Doyle for a two storey dwelling with attached garage, alterations to the existing entrance from the public road and all associated site works at the current development site. The development had a similar design and layout to that of the current proposal. Cork County Council sought further information on 21<sup>st</sup> February 2018 in relation to the following matters:

- Applicant to address issue of restricted sight distances to the west at the proposed entrance.
- Site landscaping/boundary plan to include retention of hedgerows at site boundaries and details of existing tree/hedgerow/vegetation to be removed.

The application was subsequently withdrawn.

## 5.0 **Policy Context**

### 5.1. **Cork County Development Plan 2022-2028**

#### 5.1.1. Zoning

The site is located within the development boundary of Monkstown and is zoned 'Existing Residential/Mixed Residential and other uses'. Policy objective ZU 18-9 applies:

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

*The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of*

*these existing residential/mixed residential and other uses areas will not be encouraged.*

Development plan section 18.3 provides further guidance on the Existing Residential/Mixed Residential and Other Uses zoning objective. The following points are noted in particular:

*18.3.3 The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.*

*18.3.6 Within predominantly existing residential/mixed residential and other uses areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of settlements. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas.*

#### 5.1.2. Landscape Policy

The site is located within a High Value Landscape. The following policy objectives apply:

*Objective GI 14-9: Landscape*

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.*
- b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.*
- c) Ensure that new development meets high standards of siting and design.*

*d) Protect skylines and ridgelines from development. e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments. County Development Plan*

*Objective GI 14-10: Draft Landscape Strategy*

*Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.*

## **5.2. Natural Heritage Designations**

- 5.2.1. Having regard to the nature and scale of the proposed development at serviced lands within the settlement of Monkstown, and the separation distances to European Sites, I do not consider that the proposal would be likely to significantly impact the qualifying interests of European Sites during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider 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.

## **5.3. EIA Screening**

- 5.3.1. Having regard to the nature of the development, comprising of an individual dwelling house to the rear of an existing house at a serviced site within the defined settlement of Monkstown, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

## 6.0 The Appeal

### 6.1. Grounds of First Party Appeal

6.1.1. The applicant appeals conditions nos. 6 and 8 of the permission, as summarised above. The following points are noted from the appeal submission:

- DUMRS 4.4.4 -4.4.6 and Table 4.2 permit a 45m sight distance from an X distance of 2m setback in difficult circumstances where vehicle speeds are slow and flows on the minor arm are low. The application includes a sightline assessment, in accordance with these DMURS criteria. The development provides adequate off street parking and the driveway layout includes space for cars to pass to avoid reversing manoeuvres entering or exiting the site. This would represent a significant improvement on the existing arrangement. It is submitted that the above DMURS criteria should be substituted for the 50m and 30m criteria set out in Condition 8 of the permission.
- The Board may impose a condition requiring the removal rather than relocation of the hedge alongside the roadside boundary wall to the east of the site.
- The applicant notes that the permission granted for the adjoining property to the east, owned by the above named appellant Donal McDonnell, reg. ref. 03/3863, included conditions nos. 6 and 8 which required respectively that entrance walls and piers should not exceed a height of 1m over the level of the adjoining public road and that vegetation or any structure within the sight distance triangle of the entrance should not exceed 1m in height (copy of same is submitted with the appeal). Reduction of the built entrance wall, pier and vegetation to a maximum 1m height above the adjoining road level in compliance with the conditions of 03/3863 would ensure that the western sight distances from the existing entrance to the development site would exceed DMURS requirements. The Board is requested to direct the planning authority to initiate enforcement proceedings to ensure compliance with the original permission.
- It is submitted that Scotchman's Road is not heavily trafficked, as stated in the third party appeals. There is only one daily inbound/outbound no 223 bus service Monday to Friday and no weekend service at this location. Scotchman's Road is a minor road with the main roads serving Monkstown Village being the R610



Passage West – Monkstown – Raffeen road and the Glen Road L2474, also many other minor roads serving the area and the adjacent school. The farm access is not frequently used by agricultural machinery or ESB/Vodaphone service vehicles.

- It is submitted that the design of the proposed two storey dwelling is in accordance with guidance provided in the Cork Rural Housing Design Guide and is sympathetic to the form of traditional buildings in the landscape. It is inherently more sympathetic than the wide-span large footprint of adjacent dwellings. There are four no. two storey dwellings recently or currently under construction at Scotchman's Road.
- The dwelling will have a marginal overshadowing impact on The Oaks to the west of the development site. The design and layout of the proposed house mitigate against overlooking of adjacent residential properties and against any marginal overshadowing of The Oaks. The proposed dwelling is in line with adjacent houses to the east and west. The applicant is willing to accept a condition to relocate the dwelling further to the north if this is deemed necessary by the Board, also a condition requiring opaque glazing to first floor gable windows to prevent overlooking. The requirement for a 22m separation distance, as cited by third parties, is typically adopted as a back to back distance between two storey houses and does not apply in this context.
- It is submitted that a formal certification of compliance with the subject permission will be required on completion for title purposes and is sufficient to ensure satisfactory completion of landscape and tree protection without the unduly onerous and costly imposition of a security payment. The applicant therefore requests that Condition no. 6 be omitted.

## **6.2. Grounds of Third Party Appeals**

6.2.1. There are two no. third party appeals on file, submitted by adjacent residents to the east and west of the development site. Both raise similar issues and the grounds of the appeals may be summarised as follows:

- The site area is incorrectly stated in the application as 0.177 ha, it is actually 0.14 ha.

- The development will overshadow adjacent residential properties.
- The development is too close to the adjacent house to the east and will result in overlooking of this property.
- The development will result in removal of trees at site boundaries with detrimental impacts on residential amenities.
- Sutherland House adjacent to the east has been demolished and rebuilt since the original permission was granted at the subject site in 2006 and the current proposal will have significantly greater impacts on the new dwelling to the east than under the previous application 06/6669.
- The adjacent rebuilt farmhouse to the east of the site is the only two storey dwelling in the vicinity. This replaced an original two storey farmhouse. Other nearby houses are single storey or 1.5 storey. Permitted two storey houses are at lower elevations. It is submitted that a single storey dwelling would be more appropriate at the subject site.
- The appeal of Patrick and Geraldine O'Callaghan (Sutherland House) is accompanied by photographs of windows in their house to the east of the development site which, it is submitted will be overlooked / overshadowed by the proposed dwelling. Also a sun path diagram.
- The development will result in a traffic hazard due to inadequate sight distances at the entrance. Scotchman's Road is heavily traffic including the 223 Bus Eireann service, commuters accessing the Glenbrook ferry service and traffic associated with a local school. There is also a farm access nearby to the east of the site, which is used by farm machinery and ESB and Vodaphone service vehicles. Also a pending nearby SHD application for 171 no. residential units, ref. ABP-312651-22, which would generate further traffic if granted. Traffic speeds at Scotchman's Road have increased since it was recently resurfaced, notwithstanding its location in the 50 kph zone. Other properties on the road comply with sight distance requirements.
- The application is effectively a resubmission of the development proposed under 17/7402. Cork County Council raised the issue of sight distances in a further

information request on that application and the matter was not resolved with the application subsequently withdrawn.

- The adjoining landowner at The Oaks to the west does not permit the removal of an existing pillar and vegetation to the west of the proposed access to Scotchman's Road, which is required by condition no. 8 of the permission. Photographs of the site and access are submitted with the appeal of Donal McDonnell, the adjoining landowner to the west of the site, in support of the grounds of appeal.
- The development provides an inadequate quantum of car parking and will result in parking on the road outside the site, with resultant traffic hazard.

### **6.3. Applicant Response**

6.3.1. The applicant's response to the third party appeals repeats points made in the grounds of the first party appeal in relation to sightlines at the site access and impacts on visual and residential amenities. The following additional points are noted:

- The boundary between the development site and The Oaks to the west is a mutual boundary wall, a party wall in common ownership with the adjoining residents. The wall, pier and vegetation at this location are in breach of the permission for that dwelling ref. 03/3863.
- The submission clarifies that the net site area is 0.14 ha, as the stated 0.177 ha includes the driveway and an area incorporating the soakaway adjacent to the site entrance.
- Sutherland House to the east of the site is currently overshadowed by a stand of trees which are under the control of that site owner. The development will therefore have no overshadowing impact at Sutherland House. Supporting sun diagrams are submitted.
- The applicant proposes a revised window design to the eastern elevation of the proposed dwelling which, it is submitted, would restrict any potential overlooking impacts on Sutherland House to the east.

- The proposed development layout provides adequate car parking provision including areas of hardstanding suitable for use as visitor parking.
- The front boundary wall of Sutherland House has been constructed c. 1.1m from the road edge in contravention of condition no. 7 of reg. reg. 06/11712. The Board is requested to direct the planning authority to initiate enforcement proceedings to revise the layout such that adequate sight distances can be achieved, if deemed necessary.
- It is submitted that it is not equitable that a proposal should be prejudiced by the adjacent non-compliance with the original planning permissions.

#### **6.4. Planning Authority Response**

6.4.1. Comment of Executive Planner dated 3<sup>rd</sup> July 2023. The following points are noted:

- Condition no. 6. The landscape bond is a common planning tool to ensure compliance with landscaping plans. The planning authority considers it appropriate in this instance to apply same given the importance of retaining and supplementing the hedgerow/trees in and around the site. The planning authority therefore requests that this condition be upheld.
- Condition no. 8. Refers to the report of the Area Engineer dated 29<sup>th</sup> May 2023, which recommends this condition.

#### **6.5. Observations**

6.5.1. None on file.

#### **6.6. Further Responses**

6.6.1. None on file.

### **7.0 Assessment**

7.1. I have read through the file documentation and the relevant provisions of the County Development Plan and have carried out a site inspection. The main issues are those raised in the planning reports on file and in the grounds of appeal. Overall, I am

satisfied that no other substantive issues arise. I note in this regard that the development site is located on residentially zoned land within the settlement of Monkstown and that the development is therefore acceptable in principle, also that the report of the Area Engineer and the submission of Uisce Éireann state no objection to the development. I consider that the relevant issues can therefore be dealt with under the following headings:

- Vehicular Access from Scotchman's Road and Car Parking Provision
- Impacts on Visual and Residential Amenities
- Condition no. 6

These issues may be considered separately as follows.

## **7.2. Vehicular Access from Scotchman's Road and Car Parking Provision**

- 7.2.1. The proposed site layout involves redesigning the existing site access to Scotchman's Road, such that it will serve both the existing and proposed houses at this location. The revised layout is to provide two no. car parking spaces to the rear of the existing dwelling, to serve that property, also a hardstanding / parking area in front of the proposed house.
- 7.2.2. The third party appeals submit that the development will result in a traffic hazard due to inadequate sight distances at the entrance, given that Scotchman's Road is heavily trafficked. The adjoining landowner to the west (one of the third party appellants) does not permit the removal of an existing pillar and vegetation to the west of the proposed site access, as required by condition no. 8 of the permission. The applicant contests the assertion of third parties that Scotchman's Road is heavily trafficked and submits that an entrance can be achieved in accordance with DMURS, subject to the amendment/omission of conditions no. 8 and 9, as set out above, which require respectively that sight distances of 50m to the east and west shall be provided from a centre point 3m back from public road edge and that no vegetation or structure shall exceed 1m in height within the sight distance triangle. The applicant also notes that the adjoining property boundaries/ accesses to the east and west have not been constructed in accordance with the original planning permissions, thereby creating a situation where the current applicant cannot comply with the above conditions. It is submitted that it is not equitable that a proposal

should be prejudiced by the adjacent non-compliance with the original planning permissions.

7.2.3. I note at the outset that the site benefits from an existing access to Scotchman's Road and that the proposed development of one dwelling will not result in a significant amount of additional traffic or vehicular movements at this location. In addition, the report on file of the Area Engineer states no objection to the development. Given that Scotchman's Road has a subsidiary role within the road network of the settlement of Monkstown and noting also the submitted timetable for the 223 bus route, which indicates an hourly service on weekdays only, I do not consider that it this area heavily trafficked to the extent that the development would result in a traffic hazard such as would warrant a refusal of permission. The applicant proposes a layout that will achieve 45m sight distances in both directions from a setback of 2m, as provided for in DMURS section 4.4.5 and Table 4.2. DMURS section 4.4.5 states that the X distance setback from the road edge may be reduced to 2m where vehicle speeds are low and flows on the minor arm are low. The site is considered to meet these requirements with regard to its location within the 50 KPH zone and, while DMURS includes provisions for bus routes, there is a very low frequency of bus service at this location, also noting that the development will result in the improvement of an existing access rather than the creation of a new one. Sight distances will also be improved by cutting back existing vegetation within the applicant's property, notwithstanding the below discussion of retention of vegetation elsewhere at site boundaries. It am satisfied on this basis that the proposed layout will not result in a traffic hazard at Scotchman's Road.

7.2.4. The applicant notes that the adjoining boundaries/ accesses to the east and west have been constructed in contravention of the relevant planning permissions and calls on the Board to direct the planning authority to commence enforcement proceedings. The issue of enforcement is a matter for the planning authority.

7.2.5. The proposed car parking provision is considered adequate to serve both the existing and proposed residential units.

### **7.3. Impacts on Visual and Residential Amenities**

7.3.1. There is a single storey dwelling (The Oaks) to the west of the site and a two storey house (Sutherland House to the west). The application does not include detailed

landscaping proposals, however same may be required as a condition of permission. I consider that this measure, along with the retention of existing mature vegetation at site boundaries, would be sufficient to mitigate any potential overlooking between residential properties. The applicant has also proposed a revised window design to the western gable, in order to reduce any potential overlooking at this location, which may be required by condition. Having regard to the site layout, to the detailed design of the proposed dwelling, and to the intervening distances between properties, and noting that the adjacent houses are detached and situated on very large grounds, I do not consider that the development will result in any significant adverse impacts on residential amenities by way of overlooking or overshadowing such as would warrant a refusal of permission.

7.3.2. Third parties submit that the proposed two storey dwelling is unsuitable for this location. The site does have an elevated location overlooking Cork Harbour and within a High Value Landscape. However, the development is on residentially zoned lands and within an established settlement. I consider that the proposed dwelling will read as part of the existing built up area in views of Monkstown from various vantage points around Cork Harbour. In addition, this part of Monkstown has developed in a piecemeal fashion over many years and adjacent dwellings have been constructed in a variety of styles. The proposed two storey dwelling design is considered to be acceptable in this context and I am satisfied that the development will not have any significant adverse impact on visual amenities, subject to conditions as recommended below.

#### 7.4. **Condition no. 6**

7.4.1. The applicants have appealed Condition no. 6, which requires a bond to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site. The planning authority submits that this requirement is appropriate in this instance given the importance of retaining and supplementing the hedgerow/trees in and around the site. I consider that the condition is reasonable given the importance of retaining and enhancing existing vegetation at the site in order to visually integrate the development and to provide screening to adjoining residential properties. The recommended conditions below therefore include a bond.

## 8.0 Recommendation

8.1. Having read the appeal and submissions on file, had due regard to the provisions of the Cork County Development Plan 2022-2028, carried out a site visit and all other matters arising. I recommend that permission is granted subject to the conditions set out below.

## 9.0 Reasons and Considerations

9.1.1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, and the provisions of the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential amenities of the area or of property in the vicinity in terms of overlooking, overbearing or overshadowing impacts nor would it represent a traffic safety issue. The proposed development would, therefore, 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 proposal submitted to An Bord Pleanála with the grounds of appeal, 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.	Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing



	<p>with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>The boundary planting and areas of open space shown on the lodged plans shall be landscaped in accordance with a landscape scheme which shall be agreed in writing with the planning authority prior to the commencement of development, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.</p> <p><b>Reason:</b> In order to ensure a satisfactory standard of development.</p>
4.	<p>Final details of all proposed site boundary treatments shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound,</p>

	<p>noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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>
9.	<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 protection of the existing vegetation at site boundaries, except where necessary to achieve satisfactory sight distances at the vehicular access, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory retention and protection of the existing vegetation. 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><b>Reason:</b> To ensure the satisfactory retention of existing hedgerows at site boundaries.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the</p>

<p>application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Sarah Moran  
Senior Planning Inspector

3<sup>rd</sup> September 2023