



An
Bord
Pleanála

Inspector's Report R310294-21.

Development	9 residential units, 1 commercial unit, vehicular and pedestrian access, car parking, upgrade and extension works to existing footpath and public roadway on Main Street Leabeg Road and ancillary site works.
Location	Newcastle Lower, Newcastle, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20764
Applicant	John Murphy
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Mike Curtis
Observers	None
Date of Site Inspection	15/12/2021

Inspector

Siobhan Carroll

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. Project Ireland 2040 - National Planning Framework.....	8
5.2. Section 28 Ministerial Guidelines	9
5.3. Wicklow County Council Development Plan 2016 – 2022.....	9
5.4. Newcastle Settlement Plan 2016 – 2022	9
5.5. Natural Heritage Designations	10
5.6. EIAR Screening.....	10
6.0 The Appeal	12
6.1. Grounds of Appeal	12
6.2. Applicant Response	15
6.3. Planning Authority Response	19
7.0 Assessment.....	19
7.1. Design, visual impact and residential amenity.....	19
7.2. Access and traffic.....	21
7.3. Foul drainage	22
7.4. Surface water drainage	24

7.5. Other issues.....	26
7.6. Appropriate Assessment.....	27
8.0 Recommendation.....	30
9.0 Reasons and Considerations.....	30
10.0 Conditions.....	31

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.336 hectares, is located at Newcastle, Co. Wicklow. It is situated on the eastern side of the Main Street the R761 Newcastle to Kilcoole Road.
- 1.2. The site has frontage of circa 16m on the Main Street and it also has frontage of circa 65m onto Leamore Lane. The boundary on to the Main Street is formed by a capped wall with a pedestrian gate and a field gate. The boundary along Leamore Lane is formed by hedgerow.
- 1.3. To the north of the site along Main Street there is a converted barn and adjoining this is a roofed vehicular entrance to the Rockingham development of 10 no. dwellings. The northern boundary of the site adjoins Rockingham.
- 1.4. To the south of the site along Main Street there are two residential properties a single storey detached dwelling Kinvara and to south of that a two-storey dwelling Valentine Cottage. The eastern boundary of the site adjoins the front garden of a detached dormer dwelling. This property fronts onto Leamore Lane. There are a number of separately built houses located along Leamore Lane to the east of the site.

2.0 Proposed Development

- 2.1. Permission is sought for the development of 9 residential units, 1 commercial unit, vehicular and pedestrian access, car parking, upgrade and extension works to existing footpath and public roadway on Main Street Leabeg Road and ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission subject to 22 no. conditions.
- 3.1.2. Condition no. 2 restricted the use of two of the dwellings to persons who comply with the Settlement Strategy for Level 6: Rural Towns as set out in the County Development Plan 206-2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Further information was sought in relation to the submission of the following (1) A Planning Design Statement and to revise the design to address overlooking from 2 no. first floor windows in the commercial unit. (2) A Design and Engineering Report on the impact of the proposed commercial unit on the existing structure Rockingham. (3) An Overlooking Analysis report. (A) A report on the impact of the proposed boundary treatment to the existing northern boundary. (5) Address the matter of the boundary treatment between the site and the dwelling immediately to the south (6) Provide details of car parking to indicated that the proposed spaces as set out would be used and that no parking would occur on Leamore Road. (7) Surface water drainage details to show how surface water would not flow onto Leamore Road. (8) Having regard to the proximity of the site to an existing flood zone submit a report to show adequate freeboard has been provided to avoid and flooding of the dwellings in extreme floods. (9) Revised proposals for the western side elevation and side boundary of unit 4 to ensure that the entrance is not formed by a blank wall and high boundary walls. (10) Revised site layout plan that clearly distinguishes the proposed boundary treatments and landscaping.
- Clarification of further information was sought in relation to the following; (1) the response to item 3 of the further information in respect of overlooking was considered insufficient. The Planning Authority had concerns that there would still be overlooking from the first floor south elevation window in unit 8 into the rear garden of the existing dwelling to the south. The clarification provided a number of options for the applicant to choose to address the matter. Revised proposals were sought to address the matter of treatment of the balcony area to the first floor apartment in order to prevent potential overlooking of the rear of unit no. 8. (2) In relation to item no. 7 of the further information, details were required of how the compaction of the soil under the tank will be avoided during the construction of the concrete tank to ensure adequate infiltration is achieved when in use. Revised proposals were required showing the eco-drain connected to the storm water network before the attenuation tank.

- Following the submission of responses to the further information and clarification of further information the Planning Authority were satisfied with the details provided and it was concluded that permission should be granted.

3.2.2. Other Technical Reports

Municipal District Engineer 23/9/21– Further information sought in relation to (1) the sightlines at the entrance onto Leamore Lane (2) the building line of the commercial unit fronting onto the Main Street should be in line with the adjacent building line of the existing building to the north (3) The southern wall of the commercial unit fronting onto the pedestrian access could have more windows (4) Junction radii for the proposed entrance onto Leamore Lane shall be a maximum of 3m and not 4.5m as shown (5) House number 4 should be changed to a dual frontage such that the western end of the house would address the access road for passive security.

Roads – Report dated 10/9/21– Further information sought in relation to footpath access at Leamore Lane that it be at continuous grade at the development access and the height of the wall facing Leamore Lane as it has three varying heights, and the height should be clarified.

Roads Section – Report dated 28/2/2021 – In relation to item 6 of the further information the residential parking is acceptable. The proposed two spaces for commercial parking would appear to not be accessible due to proposed landscaping, also turning movements associated with these spaces would prove difficult.

Water & Environmental Services – (1) Drawing 19.083.P11 shows the storm water network running through the backyards of two properties. (2) The site falls towards the public road however there doesn't appear to be any details given of how it is proposed to prevent surface water running from the site onto the public road. (3) The CFRAM flood extent mapping shows the public road to the front of the site (Leamore Lane) and the site boundary within a flood zone. A site specific flood risk assessment should be produced to assess the risk of flooding to the proposed development. If a grant of permission is being considered properties 1-4 should be set back to provide an appropriate freeboard above the flood levels identified in the CFRAM mapping with an allowance for climate change.

3.3. Prescribed Bodies

3.3.1. Irish Water – No objection

3.4. Third Party Observations

3.4.1. The Planning Authority received 3no. number of submissions/observations in relation to the application. The issues raised are similar to those set out in the appeal.

4.0 Planning History

4.1.1. There is an extensive planning history detailed in the report of the Planning Officer. The most recent planning history which refers to the appeal site is Reg. Ref. 20/17.

4.1.2. Reg. Ref. 20/17 – Permission was refused for the development of 11 no. dwelling units and 4 no. commercial units. Permission was refused for three reasons. The first reason referred to the design of the scheme and concluded that it would result in the creation of incongruous features on this prominent site within the Primary Development Zone of Newcastle Village, which would be out of keeping with the established built form of the settlement and would seriously injure the visual amenities and character of the area. The second refusal reason referred to the matter of the design of the scheme in respect of an inadequate provision of residential amenity including the lack of public open space and communal open space, lack of adequate fenestration to a number of apartments and overlooking of adjoining properties. The third refusal reason referred to traffic hazard in respect of the proposed vehicular access and lack of adequate pedestrian facilities.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

5.2. Section 28 Ministerial Guidelines

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')

5.3. Wicklow County Council Development Plan 2016 – 2022

5.3.1. The site is located within Newcastle which is defined as a Level 6 Settlement – Rural Town. These are settlements with a good range of infrastructural services and have 'the potential to consolidate rural development needs' such as schools, shops etc.

5.4. Newcastle Settlement Plan 2016 – 2022

5.4.1. The subject site is located within a 'Primary Development Area'.

5.4.2. The Primary Zone Vision is 'To create a consolidated and vibrant mixed use settlement centre that is the focal point for the delivery of the retail, commercial, community and activity needs of the local population and its hinterland, and to promote this area for tourist uses and for residential use, with an animated and high quality streetscape, whilst ensuring the protection of the special character and heritage of this area.

5.4.3. Relevant Objectives are:

- To support existing uses and facilitate the development of new uses that will improve the vitality, connectivity and vibrancy of the primary lands.
- To promote the development of a range of retail outlets, including a variety of small scale convenience and comparison outlets in accordance with the County Retail Strategy and shops to provide for the tourist market (i.e. 'tourist retail').

- To promote these lands for the development of ‘people’ intensive employment generating developments, including retail, tertiary services, commercial developments, office, civic, institutional and tourist uses.
- To allow for the development of small scale light industrial or manufacturing developments at suitable locations that do not undermine the attractiveness of the main street or traditional town centre.
- All shopfronts shall be of traditional design with strict adherence to the use of traditional materials.
- To encourage residential development that contributes to the vitality of the primary area and provide for passive / night-time supervision of the primary area, although loss of active commercial or retail floorspace to residential use will be discouraged.
- To promote the use of upper floors for ‘Living over the Shop’ and office accommodation.
- To allow residential development at a suitable density, and not to provide residential density limits, but to assess proposals on the basis of qualitative standards such as layout, design, amenity and impacts
- on adjacent properties, transportation infrastructure and environmental quality.

5.5. Natural Heritage Designations

- The Murrough SPA (Site Code 004186) is 940m east of the site at its nearest point.
- The Morrough Wetlands SAC (Site Code 002249) is 1.2km east of the site at its nearest point.

5.6. EIAR Screening

- 5.6.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.6.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.6.3. It is proposed to construct a mixed-use scheme comprising 1 no. commercial unit and 9 no. residential units with landscaping. The site is infill and greenfield in nature. It relates to a primary development area and is on serviced land. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.336 ha and is located in a small level 6 town where development requires phasing. The site area is therefore well below the applicable threshold of 10 ha. The introduction of a residential scheme will involve construction of two storey high buildings and associated works including an attenuation tank. The development area is not designated for the protection of the landscape or natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below).

5.6.4. The proposed development has a feasible connection to a public water supply (being the Vartry Water Supply scheme which is at implementation/construction stage of upgrading works by Irish water and included in the current Project Ireland Capital Investment Programme) and the Newcastle wastewater treatment plant which is also subject of improvement works under the current Irish Water Investment Plan 2020-2024. The submitted documentation includes an assessment of the capacity of engineering infrastructure, the road network servicing the development and waste management details. The proposed development is not of a scale that would warrant a full environmental impact report in addition to the information that has already been provided.

5.6.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within the existing urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Mike Curtis. The issues raised are as follows;

- It is submitted in the appeal that the matter of foul drainage was not adequately assessed. It is proposed to connect the new dwellings and shop to the existing treatment plant in Newcastle. Irish Water stated that the treatment plant cannot accommodate the additional loading.

- The appeal refers to another appeal ABP 309388-21 in relation to the capacity of the treatment plant.
- The appeal refers to the Newcastle Settlement Plan 2016-2022 which states that 'Newcastle is currently served by a Wastewater Treatment Plant located on Sea Road. The current capacity of the treatment plant is 1,000 population equivalent (PE) and does not have adequate capacity to serve new development. Wastewater infrastructure will therefore require improvement to meet the growth targets for Newcastle.
- It is noted that a correspondence in relation to another planning application 20/298 stated, 'Based on Irish Waters Settlements with Waste Water Discharge Authorisations – Wastewater Treatment Capacity, Newcastle Wastewater Treatment Capacity, Newcastle Wastewater Treatment Plant has the following attributes:- The current nominal/design p.e. of Newcastle WWTP is 1,000 with p.e. loading for 2019 calculated to be 888 (as per 2019 AER/IW) leaving headroom of 112 pe.'
- The above correspondence calculated that the PE load from the application 20/298 will be 219. This add to the current load quoted of 888 gives a total of 1102 PE for a plant with a stated capacity of 1000. The PE load calculated for this current application under Reg. Ref. 20/764 is 43. Adding this load of 43 to 1102 from the application Reg. Ref. 20/298 gives a total of 1145 with is 14.5% over the stated capacity.
- It is stated that no evidence has been provided in both applications to indicated how Irish Water have stated that the treatment plant has capacity for these developments.
- A submission from Inland Fisheries Ireland in relation to the application Reg. Ref. 20/298 stated that the plant did not meet its emission requirements in 2019. The river which emissions from the treatment plant discharges to does not flow directly into the sea. It flows into channels and lagoons which finally empty into the sea at the Breaches under the railway line between Newcastle and Kilcoole.
- In relation to surface water drainage, it is noted that the road to the front of the site, Leamore Lane is classified as a low risk flood area in the CFRAM map.

This was highlighted in the report of the Water & Environmental Services Section. Surface water from the site is proposed to discharge to the Newcastle River. Surface water from the other development on Newcastle Main Street (ABP 309388-21) is also proposed to discharge to the Newcastle River.

- It is noted in the appeal that there was flooding from the Newcastle River to the front gates of the appellant's home Valentine Cottage and the neighbouring property Kinvara eight years ago and also in 2009. Concern is expressed that there will be greater flood risk in the future.
- The appellant raised the matter of the location of the septic tank and percolation of Valentine Cottage being located on land involved in the application.
- The appellant raised the matter of the boundary between the proposed development and Valentine Cottage. It is contended in the appeal that the appellant was not aware of agreement between the previous owner of the subject site and the owner of Valentine Cottage to incorporate part of the rear garden of Valentine Cottage into the site of the proposed development.
- The appellant has raised concern in relation to the proposed vehicular access arrangement and the potential impact of increased traffic onto Leamore Lane and proposed alterations to the pedestrian gate and wall at Valentine Cottage.
- The matter of the potential impact of the proposed development upon the visual integrity of Newcastle is raised. Concern is expressed that the stone wall to Rockingham's Barn would not be visible if the development is carried. It is noted that Rockingham's Barn is not a protected structure, however it dates from circa 1905 and is a landmark building. The provisions of pages 43 and 44 of 'the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Cities, Towns & Villages are cited which states, 'in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The design approach should be based on a recognition of the need to protect the

amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.’

- The appellant states that they note that the site is an infill site located within the centre of Newcastle and that it is an objective of the zoning of the site that development contribute to the vitality of the area. The appellant expresses concern that while the development of the site may be in accordance with the zoning it may negatively impact upon the historic character of Newcastle.
- The appeal raises concern in relation to the name of the lane on the newspaper notice and site notice. The Planning notice in the Wicklow People published on 5/8/2020 referred to the development being located on Leabeg Road and not Leamore Lane. This was also an error made on the site notice.

6.2. Applicant Response

A response to the appeal has been submitted by Dunbar Lunn Civil & Structural Engineers on behalf of the applicant John Murphy. The issues raised are as follows;

- In response to the matter of foul water discharge, it is stated that Irish Water are the national water utility company, who are responsible for providing water and wastewater services throughout Ireland. Treated effluent is discharged to adjoining streams and rivers from the treatment plants which are subject to a licencing system with oversight by the Environmental Protection Agency (EPA).
- A pre-connection enquiry form (PCEF) was submitted by the applicant in early September 2019. Under this process it was confirmed that connection to the wastewater and water services could be facilitated subject to a small extension works of 60m. Pending a grant of planning permission a further connection application will be made to Irish Water in accordance with the connection process as stated on the PCEF confirmation letter, issued under ref. no. CDS19004098. A copy of the PCEF confirmation letter has been included with the appeal.
- In response to the matter of surface water flooding, it is stated that the issue was addressed by the planning authority. Information from the OPW was

submitted to the planning authority as part of the further information response dated 14/1/2021. From review of the information available from floodmaps.ie and floodinfo.ie, it was noted that all flood events recorded adjacent to the site made reference to Sea Road, specifically the area circa 250m southeast of the proposed development site.

- From review of the CFRAM mapping available, notably drawing E10KIL_EXFCD_FD_1, the 1% AEP (1:100 year probability) record for node points along the existing river west and east of the site is 15.36m and 9.49m respectively. Allowing for interpolation between the node points, a 1% AEP water level of 13.77m could be conservatively taken, although this does not allow for the holding effect of the bridge structure on the Main Street, south the proposed site. It is further noted that no fluvial events are noted within the development site, with the exception of 0.1% fluvial AEP (1:100 year probability) event shown on partial or broken sections of the Leamore Road, adjoining the southern and southeast boundaries of the site.
- All surface water generated within the proposed development will be subject to water attenuation, including ground infiltration, with any stormwater discharge from the site subject to treatment via Class 1 petrol/oil full retention interceptor, fabricated and installed in accordance with standard EN858-2.
- In relation to the matter of the septic tank and percolation area belonging to Valentine Cottage, the applicant's Consultant Engineers believe that the information provided by Mr. Michael Curtis regarding the position of the existing septic tank and percolation area are incorrect. The existing septic tank serving Valentine Cottage is not located within the applicant's property.
- It is understood from conversations with the applicant John Murphy that the existing septic serving the neighbouring property Valentine Cottage is situated circa 7-8m from the rear elevation of the property, that it is in poor condition and that it is not served by any effective percolation area. It is confirmed in the appeal response that the applicant will facilitate the decommissioning of the septic tank serving Valentine Cottage, allowing connection to the existing foul mains via a connection to the proposed foul mains to be constructed to serve

the proposed development. This is subject to approval by Irish Water via the connection process.

- It is noted that the sale of lands now subject to the proposed development, includes a condition to allow the owner of Valentine Cottage to connect to any foul sewer system constructed as part of the sale agreement. It is stated that the removal of the existing septic tank within the grounds of Valentine Cottage would be advantageous to both parties due to its current condition which could potentially impact the occupier of the property and also the surrounding properties.
- Regarding queries about the boundary between the proposed development of Valentine Cottage it is stated that the drawings and proposals submitted to and approved by the planning authority are accurately based on Property Registration Authority (PRA) folio mapping for lands under the ownership of the applicant Mr. John Murphy. The drawings and proposals of the proposed scheme has also been prepared using a detailed topographical survey of the site and surrounding lands. It is the applicant's intention to clear the overgrown area to the south-west of the site within the coming months and erect permanent fencing in accordance with the registered folio mapping under Folio No. WW43554F, now registered with the PRA.
- Regarding the matter of traffic management, the alterations and construction of a footpath to serve the proposed development has been designed in accordance with the provisions of the 'Design Manual for Urban Roads and Streets (DMURS), and in conjunction with discussions with the Municipal District Engineer. The proposed footpath and junction realignment will protect and give priority to pedestrians using the footpath. The proposed footpath and road junction works under the application will not affect the access to or from Valentine Cottage. The proposed island is not placed adjacent to the existing or proposed entrance to Valentine Cottage. The works effect circa 12.4m of the existing wall boundary located on the southern/south-eastern corner of the Valentine Cottage property.

- The existing entrance will be replaced with an entrance matching the existing entrance in terms of size. The entrance will be dished to allow level access and it will be constructed in accordance with DMURS.
- To facilitate the proposed footpath construction circa 18.5sq m of the present property of Valentine Cottage will be taken to facilitate the footpath. The sale of the lands which are the subject of the application have a clearly stated condition of sale that the applicant has the right to construct a footpath within the lands retained by the owner Mrs. Valentine.
- In relation to the issue of the visual impact of the proposed development, this was addressed by the planning authority in a detailed manner, with several alternatives and changes considered throughout the design process. Rockingham Barn is not a listed building and it adjoins directly onto a portion of the northern boundary of the site. In order to protect the existing building and recreate the vista of the large stone finished southern elevation of Rockingham Barn, the proposed mixed purpose commercial and residential unit of the development will have a natural stone finish to give the appearance of the existing elevation visible with the proposed buildings situated circa 700mm from the existing barn to facilitate maintenance and avoid any possible damage to the existing structure.
- Extensive and accurate photomontages prepared by 3-D Design Bureau have been created of the proposed development which assisted the planning authority with their assessment of the proposal. It is the opinion of the applicant's Consultant Engineers that the current proposal for the commercial unit more than adequately recreates the southern vista provided by the existing Rockingham Barn elevation, while providing further traditional street type frontage adjacent to the Main Street in conjunction with residential development which addresses current housing needs and regeneration requirements of the Main Street area of Newcastle.
- Regarding the matter of the error in the newspaper planning notice and site notice, it is stated that from correspondence with the applicant, the Road Section and the Planning Section of Wicklow County Council and Ordnance Survey mapping, it appears that the existing public road goes by server

different versions of the same name. The site notices and planning advertisement are specifically there to notify the general public that an application has been made for a particular development at a certain location, and this aim was achieved clearly with the subject application.

- It is requested by the applicant that Board grant permission for the proposed development.

6.3. Planning Authority Response

- None received

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design, visual impact and residential amenity
- Access and traffic
- Foul drainage
- Other issues
- Appropriate Assessment

7.1. Design, visual impact and residential amenity

7.1.1. The site is located within the centre of Newcastle within a 'Primary Development Area'. The subject mixed use scheme of residential and commercial development is in accordance with this zoning.

7.1.2. The third party appeal refers to the potential impact the proposed development would have upon the streetscape. They specifically refer to Rockingham Barn which adjoins the northern site boundary. Rockingham Barn dates from the early 20th century and it features an attractive south facing stonewall which is visible within the streetscape along the Main Street. I note this building is not a protected structure, however it does add to the vernacular architecture of Newcastle.

- 7.1.3. I note as part of their assessment of the application for permission the Planning Authority sought further information including the submission of a Planning Design Statement to address the impact of the proposed develop upon the streetscape specifically in relation to the proposed commercial unit. I note that the development of the commercial unit would result in the southern elevation of Rockingham Barn not being visible within the streetscape. In response to the concerns of the Planning Authority regarding the commercial unit the applicant submitted revised plans indicating a stone finish and revisions to the window design to the southern elevation. A photomontage of the streetscape north indicating the existing situation and proposed development was submitted with the further information. I consider these revisions in the elevational treatment have improved the design and the proposed stone finish matches that of the southern elevation of Rockingham Barn.
- 7.1.4. In relation to the design of the 8 no. dwellings within the scheme they comprise two sets of semi-detached dwellings, a terrace of three dwellings and one detached dwelling to the east of the commercial unit. The proposed dwellings are all two-storey the design includes pitched roofs and gable projections to the front elevations. The proposal provides for a design which reflects the existing character of the surrounding streetscape in terms of the height and design of the buildings proposed. Accordingly, I am satisfied that the proposed development will integrate well into the streetscape.

Loss of Daylight/Sunlight/Overshadowing:

- 7.1.5. The provisions of BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) are relevant in the assessment of this development. Neither document is specifically referenced in the Wicklow County Development Plan. However, the Development Design Standards Section of the Plan refers to a previous document “Site layout planning for daylight and sunlight: a guide to best practice”, (BRE 1991).
- 7.1.6. The Section 28 Ministerial Guidelines on Urban Development and Building Heights 2018 refer to both BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). While I note and acknowledge the

publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines.

- 7.1.7. No Sunlight Analysis was submitted as part of the planning documentation by the applicants. The development is a traditional low density dual aspect scheme where the BRE209/BS2806 targets would generally be met in all instances. There is nothing apparent in the documents and drawings submitted that would highlight any issue here. Therefore, while there is no documentary evidence to demonstrate compliance with BRE209 requirements, based on the planning documentation submitted, I am satisfied that this is not a material or likely potential impact/deficit in information.

7.2. Access and traffic

- 7.2.1. The appeal raised concern in respect of the proposed vehicular access arrangements and the potential impact of increase traffic onto Leamore Lane. The appellant also referred to proposed alterations to the pedestrian gate and wall at Valentine Cottage.
- 7.2.2. The proposed layout provides for a pedestrian accessway with bollards adjacent the Main Street entrance. This design will prevent vehicular access to the scheme from the Main Street while providing pedestrian permeability in accordance with the recommendations of DMURS.
- 7.2.3. Vehicular access to serve the dwellings is proposed off Leamore Lane. The proposal includes that the road will be widened to provide a carriageway width of 5.5m and a new 1.8m wide footpath will be located along the northern side of the road along the extent of the site. As detailed on Drawing No: 19.083.P.10 'Site Layout Plan – Proposed Footpath and Existing Roadway Upgrade Works', it is proposed to partially demolish the existing boundary wall to allow for the footpath and the realignment and widening of the road. I noted the area where these works are proposed are within the redline site boundary.

- 7.2.4. In response to the matter the applicant's Consultant Engineers stated that to facilitate the proposed footpath construction circa 18.5sq m of the present property of Valentine Cottage will be taken to facilitate the footpath. It is highlighted in the response to the appeal that the sale of the lands which are the subject of the application have a clearly stated condition of sale that the applicant has the right to construct a footpath within the lands retained by the owner Mrs. Valentine.
- 7.2.5. In respect of the proposed vehicular access arrangements, I note that the Planning Authority in their assessment of the scheme were generally satisfied with the proposals and the issue of the design of the vehicular access was not raised in the further information. The only issue in respect of roads and traffic matters which was included in the further information referred to the car parking layout. In response to the matter a revised car parking layout was indicated on Drawing no. 19.083.P02.A. The report of the Roads Section stated that were satisfied with the layout of car parking spaces for the dwellings, however they had concerns in relation to the two car parking spaces to serve the commercial unit, specifically that turning movements would be difficult having regard to the proposed landscaping. Given the village centre location of the site I consider that it would be appropriate to including a condition to omit the two car parking spaces proposed to serve commercial unit.
- 7.2.6. In conclusion, having regard to the details provided I am satisfied with the vehicular access arrangements to serve the scheme.

7.3. **Foul drainage**

- 7.3.1. It is contended in the appeal that the Newcastle Wastewater Treatment Plant does not have sufficient capacity to accommodate the additional loading which would be generated by the proposed development.
- 7.3.2. The appellant refers to the Newcastle Settlement Plan 2016-2022. It is stated in the plan that 'Newcastle is currently served by a Wastewater Treatment Plant located on Sea Road. The current capacity of the treatment plant is 1,000 population equivalent (PE) and does not have adequate capacity to serve new development. Wastewater infrastructure will therefore require improvement to meet the growth targets for Newcastle.' The appeal also refers to information regarding the Newcastle Wastewater Treatment Capacity which was detailed in correspondences on a

planning application Reg. Ref. 20/298 & ABP 309388-21 for a mixed use development comprising 34 no. residential units & 6 no. commercial units located on lands in the existing car park and to the rear of the Public House at Main Street Newcastle, Co. Wicklow. It is noted that a correspondence referred to information from Irish Water concerning 'Irish Water Settlements with Waste Water Discharge Authorisations, which in relation to the wastewater treatment capacity of the Newcastle Wastewater Treatment Plant stated that it has the following attributes:- The current nominal/design p.e. of Newcastle WWTP is 1,000 with p.e. loading for 2019 calculated to be 888 (as per 2019 AER/IW) leaving headroom of 112 pe.'

- 7.3.3. Based on the correspondence the appellant calculated that the PE load from the application Reg. Ref. 20/298 & ABP 309388-21 will be 219. This added to the current load quoted of 888 gives a total of 1102 PE for a plant with a stated capacity of 1000. The appellant calculated that PE load for the current application is 43 and this added to 1102 PE from the application Reg. Ref. 20/298 would give a total PE of 1145 which would be 14.5% over the stated capacity.
- 7.3.4. The report from Irish Water dated the 12th of September 2020 in relation to the subject application and proposed connection to the public watermain and public foul sewer states that there is no objection.
- 7.3.5. The first party in response to the matter of foul drainage stated that a pre-connection enquiry form (PCEF) was submitted by the applicant in early September 2019 to Irish Water. Under this process it was confirmed that connection to the wastewater and water services could be facilitated subject to a small extension works of 60m. Pending a grant of planning permission a further connection application will be made to Irish Water in accordance with the connection process as stated on the PCEF confirmation letter, issued under ref. no. CDS19004098. I note that a copy of the PCEF confirmation letter has been included with the appeal.
- 7.3.6. In respect of the cited application Reg. Ref. 20/298 & ABP 309388-21 the Senior Inspector in their assessment of the proposed development in relation to the matter of the capacity of the Newcastle Wastewater Treatment Plant noted that in the more recent Irish Water's Annual Environmental Report 2019 - Newcastle D0410-01, that the report summarises the treatment capacity in section 2.4.2 and states that the organic capacity (PE) as constructed is 1000 and that the remaining capacity is 112

PE and that the capacity was not expected to be exceeded within the next three years. The report of the Inspector also notes that the Irish Water report stated that that improvements (to provide waste activated sludge system and sludge holding to provide optimisation of the treatment process, maximise operations and minimise ammonia failures) had been completed in April 2019 but the Tertiary Treatment improvement programme had not commenced at time of report. It further states that the improvement programme will be reviewed by Irish Water to assess the works required to comply with the license condition on a prioritised bases.

- 7.3.7. The report of the Senior Inspector in relation to ABP 309388-21 also cited the recent Irish Water Investment Plan 2020-2024 which includes the Upgrading of Newcastle (Wicklow) WWTP in the Capital Maintenance Programme and this is stated to be targeted at maintaining existing network and treatment assets in order to protect environment and quality of receiving waters and facilitate growth.
- 7.3.8. In respect of this cited appeal ABP 309388-21 for 34 no. residential units & 6 no. commercial units at Newcastle the Senior Inspector considered that the development could be recommended on the basis of the available capacity and the ongoing monitoring and programme of upgrading support of the Newcastle Wastewater Treatment Plant. The Board agreed with the recommendation of the Senior Inspector and permission was granted for the proposed development.
- 7.3.9. Having regard to both the report from Irish Water which indicates that there is no objection to the subject development and also the above information in relation to the existing capacity and upgrading programme for the Newcastle Wastewater Treatment Plant, I am satisfied that the plant can adequately accommodated the additional loading which would be generated by the proposed scheme of 9 no. residential units and 1 no. commercial unit.

7.4. Surface water drainage

- 7.4.1. The appeal raises the matter of surface water drainage and flood risk. The first party in their response stated that the issue of surface water flooding was fully addressed by the planning authority.
- 7.4.2. The Newcastle Stream is located is located 6m to the south of the appeal. The site is not located within a Flood Zone however CFRAM floodlines are located to the south

of the site on Leamore Lane. I note that the Planning Authority in their assessment of the proposal did not consider it necessary to require a full Site Specific Flood Risk Assessment to be carried out. The response from the first party noted as detailed in the information available from floodmaps.ie and floodinfo.ie all flood events recorded adjacent to the site made reference to Sea Road and specifically the area circa 250m southeast of the proposed development site.

- 7.4.3. The Planning Authority as part of the further information sought details in respect of surface water and the matter of potential flooding. Under item no. 7 of the further information, they required surface water drainage details to show how surface water would not flow onto Leamore Road. Under item no. 8 of the further information, they required the submission of a report to show adequate freeboard has been provided to avoid and flooding of the dwellings in extreme floods.
- 7.4.4. In relation to the surface water drainage proposals, I note that all surface water generated within the proposed development will be subject to water attenuation, including ground infiltration, with any stormwater discharge from the site subject to treatment via Class 1 petrol/oil full retention interceptor, fabricated and installed in accordance with standard EN858-2. Accordingly, I am satisfied that the proposed development will not generate additional surface water which would impact the surrounding roads or adjacent properties and lands.
- 7.4.5. Regarding the matter of potential flood risk, I note that the response from the applicant's Consultant Engineers to the further information request regarding the provision of adequate freeboard to avoid flooding of the proposed dwellings which states that based the data from the CFRAM mapping available, specifically drawing E10KIL_EXFCD_FD_1, the 1% AEP (1:100 year probability) records for node points along the existing river west and east of the site are 15.36m and 9.49m respectively. Allowing for interpolation between the node points, a 1% AEP water level of 13.77m could be conservatively taken, although this does not allow for the holding effect of the bridge structure on the Main Street, south the proposed site. The response also noted that no fluvial events are noted within the development site, with the exception of 0.1% fluvial AEP (1:100 year probability) event shown on partial or broken sections of the Leamore Road, adjoining the southern and southeast boundaries of the site. The report of the Planning Officer confirms that the Municipal District Engineer was satisfied with the details provided in respect of potential flood risk.

7.4.6. Accordingly, having regard to the details provided on file it is considered that the proposed development would not result in displacement of fluvial floodwaters, would not result in an adverse impact to the hydrological regime of the area nor an increase in flood risk elsewhere. The proposed development would therefore be acceptable in terms of flood risk in the area.

7.5. Other issues

Boundary issues

7.5.1. The appeal refers to the matter of the boundary between the subject site and the Valentine Cottage. It is contended in the appeal that the appellant was not aware of agreement between the previous owner of the subject site and the owner of Valentine Cottage to incorporate part of the rear garden of Valentine Cottage into the site of the proposed development. In response to the matter the applicant's Consultant Engineers stated that the drawings and proposals for the proposed scheme submitted to and granted permission by the Planning Authority are accurately based on Property Registration Authority (PRA) folio mapping for lands under the ownership of the applicant Mr. John Murphy. It is confirmed in the appeal response that the drawings and proposals of the proposed development were prepared using a detailed topographical survey of the site and surrounding lands. In relation to the demarcation of the property boundaries it is stated in the appeal response that applicant intends to clear the overgrown area to the south-west of the site within the coming months and erect permanent fencing in accordance with the registered folio mapping under Folio No. WW43554F.

7.5.2. A copy of the map issued by the Property Registration Authority in relation to the applicant's lands has been submitted with the appeal response. A copy of a letter from M. P. Black & Co. Solicitors confirms the ownership of the lands which are subject to the application.

7.5.3. The appellant refers to the location of septic tank and percolation area which serves the property they rent 'Valentine Cottage'. It is stated in the appeal that the septic tank and percolation of Valentine Cottage are located on land involved in the application. In response to the matter the applicant's Consultant Engineers stated

that the information provided by the appellant in relation to the position of the existing septic tank and percolation area which belong to Valentine Cottage are incorrect. It is confirmed in the response to the appeal that the existing septic tank serving Valentine Cottage is not located within the applicant's property and that it is situated circa 7-8m from the rear elevation of Valentine Cottage. It is the understanding of the applicant's Consultant Engineers that the septic tank is in poor condition and that it is not served by any effective percolation area.

- 7.5.4. It is stated in the appeal response that the sale of lands which is the subject of the current application, included a condition of sale agreement to allow the owner of Valentine Cottage to connect to any foul sewer system constructed. It is confirmed in the appeal response that the applicant will facilitate the decommissioning of the septic tank serving Valentine Cottage and provide connection to the existing foul mains via a connection to the proposed foul mains to be constructed to serve the proposed development. A copy of an extract from the sale agreement which refers to this matter has been submitted with the appeal response. In relation to this I note that it does not form part of the subject planning application and that a connection to the public foul sewer is subject to approval by Irish Water.
- 7.5.5. In relation to the above matters I note that it is not within the remit of the Board to determine legal interests and/or obligations held by the applicant. Accordingly, I do not consider that these matters are reasonable and substantive grounds for refusal of the proposed development.

7.6. **Appropriate Assessment**

Stage 1 Screening

- 7.6.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.
- 7.6.2. There are two sites potentially within the zone of influence of the proposed development based on proximity and potential hydrological links. The Murrough SPA (Site Code 004186) is nearest. The Newcastle Stream is located 6m to the south of the appeal site at the closest point. It feeds into both the Murrough SPA and

Murrough Wetlands SAC (Site Code 002249) and is about 1.5km downstream and northeast of the site from where it flows in the direction of the sea.

7.6.3. The Murrough is a coastal wetland complex which stretches for approx. 15 km from Ballygannon to north of Wicklow town, and in parts, extends inland for up to approx. 1km. Habitats on the site include a complex fen system, salt marsh, tidal reed bed, freshwater reedswamp, wet grassland, wet woodland, mudflat, dry heath and dry grassland.

7.6.4. The conservation objective for the SAC is to maintain or restore the favourable conservation status of habitats and species. The qualifying interests are: -

- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Atlantic salt meadows
- Mediterranean salt meadows
- Calcareous fens
- Alkaline fens

7.6.5. The Murrough SPA comprises a coastal wetland complex that stretches for 13 km from Kilcoole to Wicklow town and extends inland for up to 1 km. It is an important site for wintering wildfowl and supports internationally important as well as nationally important species. It is also important for the populations of rare invertebrate and plant species. Part of the Murrough SPA is a Wildfowl Sanctuary.

7.6.6. The conservation objective for the SPA is to maintain or restore the favourable conservation status of habitats and species. The qualifying interests are: -

- Red-throated Diver
- Greylag Goose
- Light-bellied Brent Goose
- Wigeon
- Teal
- Black-headed Gull

- Herring Gull
- Little Tern
- Wetland and Waterbirds

7.6.7. The Murrough Wetlands SAC and the Murrough SPA overlap. The appeal site is located approx. 940m east of Murrough SPA (004186) and 1.2km east of Murrough Wetlands SAC (002249). The Newcastle Stream is situated 6m to the south of the boundary of the appeal site and this provides a potential hydrological pathway to the Murrough Wetlands SAC and Murrough SPA.

7.6.8. There is limited potential for contamination on the adjacent watercourse arising from the construction works and an increase in sediment load. The proposal also feeds into the Newcastle Wastewater treatment plant which discharges to the Newcastle Stream.

7.6.9. Regarding the issue of the loading of the Newcastle WWTP this matter has been addressed in Section 7.3 this report and in the context of adequate capacity in the plant, accordingly I do consider a connection to the foul sewer is a likely source of impact.

7.6.10. The surface water drainage proposals include that all surface water generated within the proposed development will be subject to water attenuation, including ground infiltration, with any stormwater discharge from the site subject to treatment via Class 1 petrol/oil full retention interceptor, fabricated and installed in accordance with standard EN858-2. Accordingly, it is considered that there is no risk that pollutants could reach the European sites in sufficient concentrations to have any likely significant effects on their qualifying interests.

7.6.11. In relation to cumulative impact there is an existing construction project is under way to the north of the site and this relates to 4 detached houses with private WWTP with all works set back at least 8m from the Stream and to be completed prior to commencement of subject development. Permission has recently been granted for a mixed use scheme comprising of 34 no. residential units and 6 no. commercial units on a site to the opposite side of the Main Street. Having regard to the Best Practice

Measures, scale and phasing these schemes are not considered to result in any cumulative impact of significance.

- 7.6.12. Having regard to the site's location in an urban area, the nature and scale of the works, the separation distance between the site and the SAC and the SPA and to the characteristics of the designated sites and the qualifying interests, it is considered that the proposed development would not be likely to have a significant effect on either of the designated sites.

AA Screening Conclusion

- 7.6.13. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Murrough Wetlands Special Area of Conservation, European Site No. 002249, the Murrough Special Protection Area European Site No. 004186, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

9.0 Reasons and Considerations

- 9.1.1. Having regard to the location of the proposed development substantially within a Primary Development Area as delineated in the Newcastle Settlement Strategy 2016-2022, the pattern of development in the area and the nature and scale of the proposed development as amended, it is considered that subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this rural hinterland location, would not seriously injure the residential or visual amenity of the area, would not detract from the character of the town, and would be acceptable in terms of urban design, height, quantum of development and would be acceptable in terms of pedestrian, cyclist and

traffic safety. 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 further plans and particulars submitted to the planning authority on the 18th day of January 2021 and as clarified by further plans and particulars submitted on the 30th day of March 2021 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed two car parking spaces to serve the commercial unit shall be omitted from the scheme. Revised plans indicating these car parking spaces omitted shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and of traffic and pedestrian safety.

3. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water. This permission does not commit Wicklow County Council to the provision of water services to serve the proposed development.

Reason: In the interest of public health.

4. 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.

Reason: In the interest of public health.

5.
 - (a) Two of the proposed dwellings, when completed, shall be first occupied as a place of permanent residence for persons who comply with the Settlement Strategy for Level 6: Rural Towns as set out in the County Development Plan 2016-2022, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the similar category of housing need. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
 - (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the housing meets local growth needs in accordance with settlement strategy of the county development plan and the proper planning and sustainable development of the wider region.

6. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house 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.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

7. Trees and hedges to be removed on site shall be removed outside of bird nesting season.

Reason: In the interest of nature conservation.

8. The landscaping scheme shown on drg no. 19.083.P.04, as submitted to the planning authority on the 30th day of March, 2021 shall be carried out within the first planting season following substantial completion of external construction works.

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 [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and of traffic and pedestrian safety.

10. Details of all security shuttering, external shopfronts, lighting and signage shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial unit.

Reason: In the interest of the visual amenity of the area.

11. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall be prepared in accordance with best practice on the Preparation of Waste Management Plans for the Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during any site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation.

Reason: In the interest of sustainable waste management.

14. 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

16. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

17.

(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, [communal refuse/bin storage] and all areas

not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

18. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] [within each house plot] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the

matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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.

20. Prior to the 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 of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part therefore to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and

the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

Siobhan Carroll
Planning Inspector

23rd December 2021