

**Report on Item
for
Meeting of Killarney Municipal District May 2021**

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 as amended in relation to application for planning permission for the following development at Shinnagh, Rathmore:

A) DEMOLISH 1 NO. DERELICT DWELLING HOUSE B) FORM VEHICULAR AND PEDESTRIAN ACCESS, C) CONSTRUCT THE FOLLOWING DWELLINGS IN THERMOHOUSE CONSTRUCTION SYSTEM: 6 NO. 1BEDROOM SINGLE STOREY UNITS, 9 NO. 2 BEDROOM SINGLE STORE UNITS, 27 NO. 3 BEDROOM 2 STOREY TERRACED UNITS, 12 NO. 3 BEDROOM 2 STOREY SEMI-DETACHED UNITS, 6 NO. 4 BEDROOM DETACHED UNITS, D) ESTATE ROAD, FOOTPATHS, BOUNDARY WALLS, SERVICES AND ALL ASSOCIATED SITE WORKS

Planning Register No. 20/849

Name of Applicant: Old Road Partnership

Agent: Brendan Williams Architects, Design Studio, The Orchard, Ballydunlea, Tralee.

Date application lodged: 17/09/2020

Date further information lodged: 25/01/2021, 26/01/2021, 05/02/2021 and 10/03/2021

Material Contravention Procedure: Initiated with publication of prescribed notice in Irish Examiner newspaper on 19/03/2021.

Decision due date: 13/05/2021

A Material Contravention is required as the proposed development would materially contravene the following specific objective contained in the Killarney Municipal District Local Area Plan 2018-2024:

Objective KY-RES-01 which is to *“Facilitate the development of residential units within each settlement boundary in accordance with the Core Strategy.”*

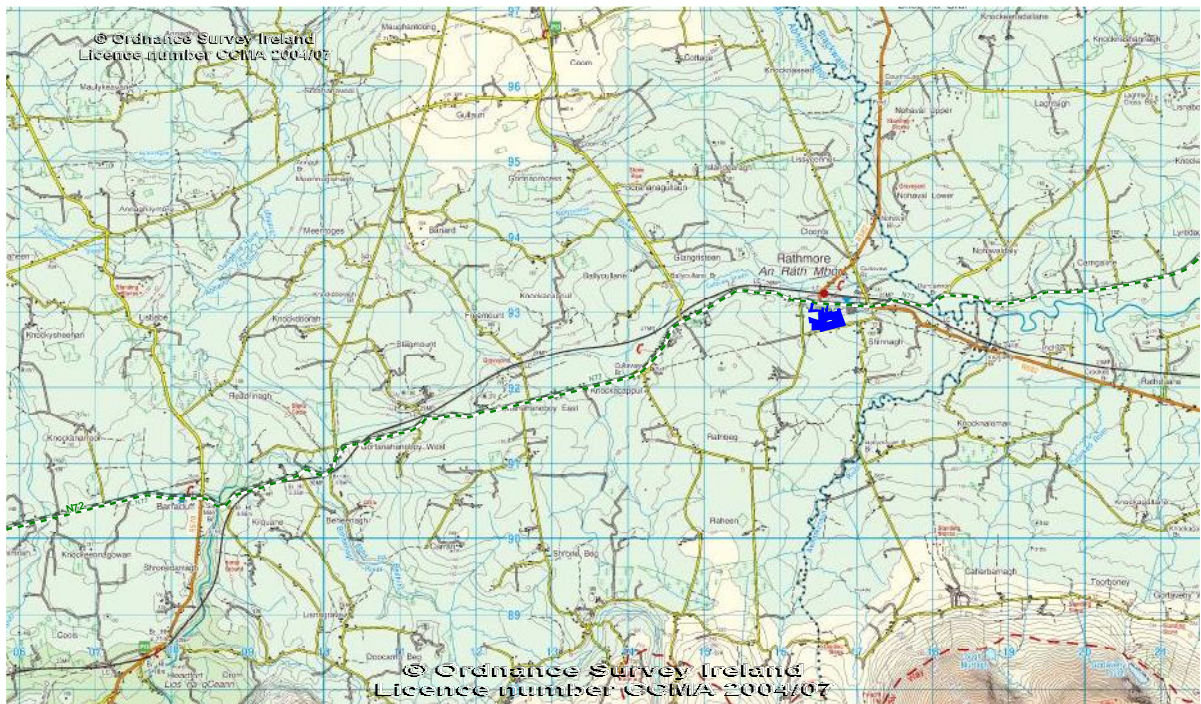
The site is located in an area zoned O1 – Strategic Reserve in the Rathmore Local Area Plan which forms part of the Killarney Municipal District Local Area Plan 2018-2024.

Proposed development

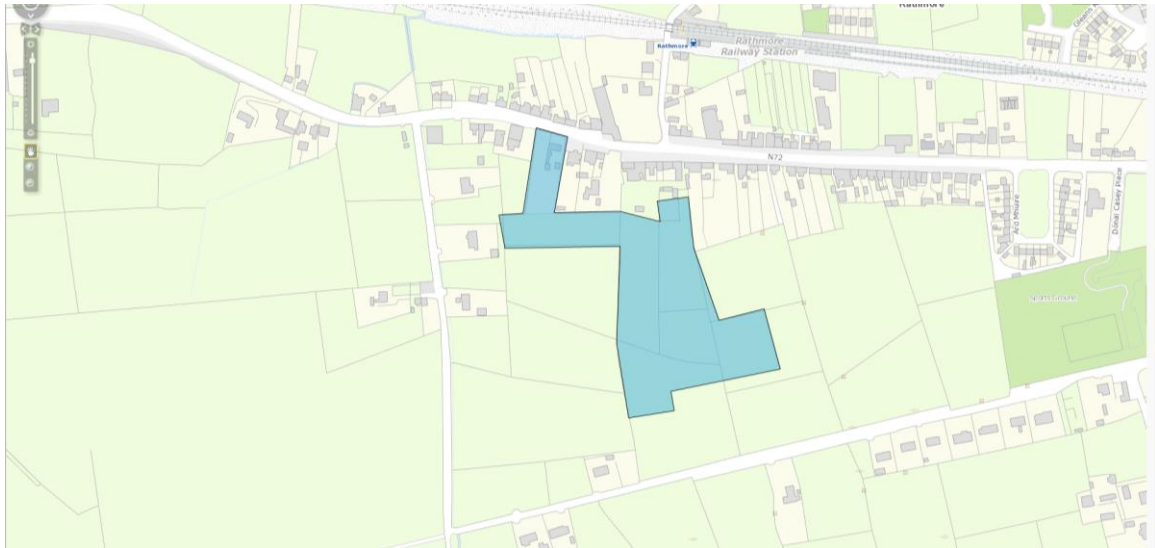
It is proposed to demolish an existing derelict dwelling house on the site. It is proposed to construct sixty dwelling houses comprising 6 no. one-bedroom single storey units, 9 no. two-bedroom single storey units, 27 no. three-bedroom two-storey units, 12 no. three-bedroom two-storey units, 6 no. four-bedroom detached units and associated site development works on a 2.98ha site.

Description of Site and Surroundings

The proposed development site is located to the south of Main Street (N72) in the centre of Rathmore. There is an existing vacant house at the north end of the site fronting Main St with a number of out buildings behind. This vacant dwelling house is proposed to be demolished in order to provide for vehicular access to the lands. The proposed dwelling houses are located to the rear of the properties that run along the southern side of Main Street. The majority of the site is unused, with large areas of overgrown vegetation over the 2.98ha site area.



Location of application site



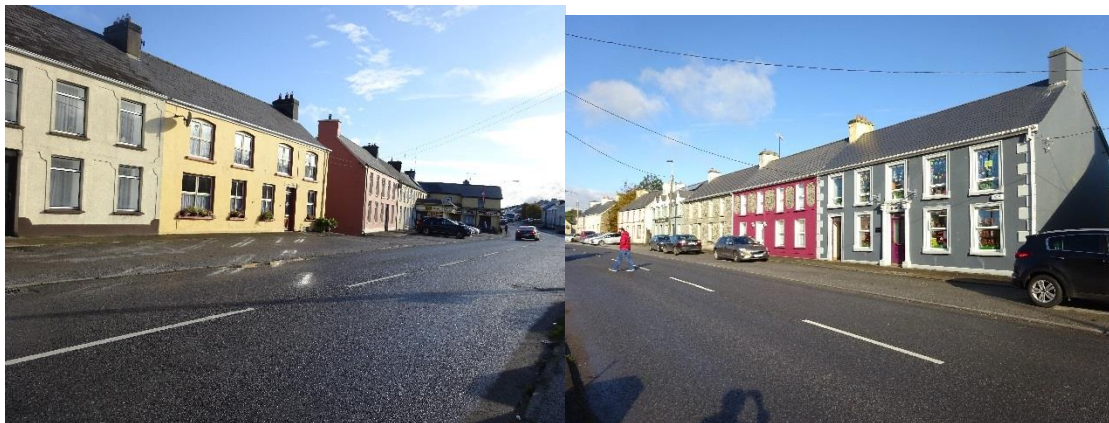
Large scale map of site and environs



Vacant derelict dwelling to be demolished as viewed from Main Street, Rathmore.



Derelict dwelling to be demolished and the existing streetscape along Main Street, Rathmore



Streetscape along northern side of Main St, Rathmore



Views showing unused and overgrown nature of the site to the rear of Main St



Petrol filling station and associated shop to the west of the proposed entrance.

Site notices

A site notice was in place, legible and correctly worded on the day of the site inspection.

Pre-Planning Consultation

Pre-planning discussions took place between the agent and Planning Dept in relation to the proposed development.

Relevant Planning History

Planning Register No: 08/972

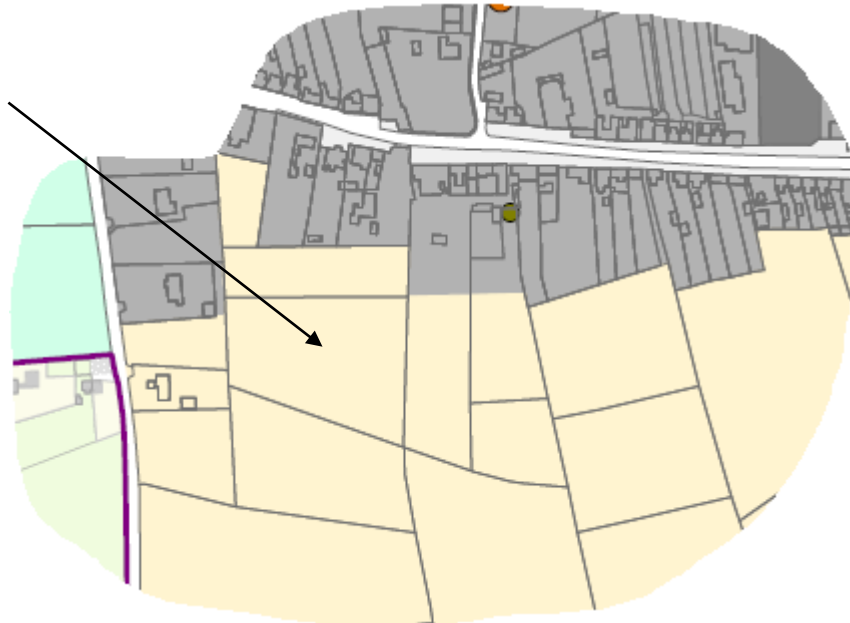
Permission for DEVELOPMENT CONSISTING OF THE DEMOLITION OF 2 NO. EXISTING HABITABLE HOUSES AND 5 NO. EXISTING AGRICULTURAL SHEDS AND THE CONSTRUCTION OF 8 NO. SINGLE STOREY 2 BEDROOMED, 1 NO. TWO STOREY 1 BEDROOMED 47 NO. TWO STOREY 2 BEDROOMED, 245 NO. TWO-STOREY 3 BEDROOMED, 7 NO. TWO-STOREY 4 BEDROOMED AND 11 NO. THREE STOREY 5 BEDROOMED HOUSES AND 2 NO. TWO STOREY COMMERCIAL/OFFICE UNITS (TO BE USED AS MARKETING SUITES DURING CONSTRUCTION), INCL. THE PROVISION OF TWO NEW VEHICULAR AND PEDESTRIAN ACCESS POINTS FROM MAIN STREET/N72, ONE NEW VEHICULAR ENTRANCE FROM OLD ROAD TO THE SOUTH OF THE SITE, A SECOND DEDICATED PEDESTRIAN/CYCLE ACCESS AT MAIN STREET, THE PROVISION OF NEW INTERNAL STREET NETWORK, A VILLAGE GREEN, OPEN SPACE NETWORK, HARD AND SOFT LANDSCAPING, LIGHTING, SIGNAGE AND ASSOCIATED SITE WORKS ON LANDS TO THE SOUTH OF MAIN STREET AND TO THE NORTH OF OLD ROAD RATHMORE

Permission refused by an Bord Pleanala Reference 08.231419

Zoning and Planning Policy

Killarney Municipal District Local Area Plan 2018-2024.

The northern part of the site fronting Main St is zoned M2 Town Centre and the majority of the site is zoned O1 Strategic Reserve.



KY-RES -01 Facilitate the development of residential units within each settlement boundary in accordance with the Core Strategy.

KY-RES -04 Ensure that new development schemes shall contribute towards the consolidation of the settlement and development of a sense of place. Development should make effective use of infill, brownfield and back land sites while preventing unnecessary ribbon development.

KY-RES – 05 Require all new residential development schemes (over 5 units) to provide a mix of house types in order to meet and adapt to the changing demographic trends and household profiles in the County.

KY-RES -07 Ensure that residential densities reflect the residential density of appropriate adjoining developments. Higher densities will be considered in the town/village centre within close proximity to the town/village centre. Lower densities will be considered at the edge of the settlement as per the Department of Environment, Heritage and Local Government publication, guidelines for Planning Authorities on “Sustainable Residential Development in Urban Areas” 2009.

OS – 01 Provide an improved quality of life for all citizens of the plan area by promoting the area’s economic potential, protect its natural and built environment and safeguard its cultural heritage.

OS-02 Prioritise the regeneration and renewal of the Municipal District’s towns, villages, and rural nodes in order to support vibrant and strengthened communities and drivers of economic growth. In line with this the renewal of underutilised buildings will be emphasised, while all new future residential and retail development shall be located in the town/village where the lands have been identified for their use.

Kerry County Development Plan 2015-2021

Section 3.4 Urban Settlement Strategy

Objective US-5 Encourage and stimulate the sustainable re-development and renewal of the town and village centres.

Objective US-6 Support the sustainable development of derelict sites and infill sites in towns and villages.

Objective US-7 Ensure that all new urban development is of a high design quality and supports the achievements of successful urban spaces and sustainable communities.

The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas.

Section 13.3 Standards for Residential Developments in Urban Areas

Reports

Dr Michael Connolly County Archaeologist – Condition recommended to be attached to any grant of planning permission requiring archaeological monitoring of groundworks.

Donal Murphy S.E.E. Housing Estates Unit – Comments made in relation to layout and development standards.

Irish Water – Following review of further information response, no objection to connections to public water supply and public foul sewerage.

Pat McCarthy E.E. KNRDO – No observation to make.

John Ahern S.E.E. – No objection. Conditions recommended to be attached to any grant of planning permission.

Cathy Fisher Biodiversity Officer – Appropriate Assessment Screening Report carried out which concludes that Appropriate Assessment is not required. Conditions are recommended to be attached to any grant of planning permission.

Submissions/Observations received following publication of planning notices by applicant

TII – A Road Safety Audit has been submitted. Any recommendations arising should be incorporated as conditions on the permission if granted. The developer should be advised that any additional works required by the RSA should be funded by the developer. Full sight distance to be provided at the entrance to allay the concerns outlined in Section 3.3.

Betty Linehan Main Street –

Concerns raised regarding loss of privacy and impact on residential amenities.

Michelle Murphy and others –

Concerns raised regarding housing density, traffic safety and lack of a design statement.

Joe and Lucy O’Keeffe –

Concerns regarding the scale of the development and material contravention of the development plan.

Donal and Kathleen Kelleher-

Concerns regarding surface water drainage, residential amenities, traffic calming required.

Submissions/Observations received following publication of significant further information planning notices by applicant

TII – Authority’s position remains as set out previously.

Michael, Mary and Paul O’Sullivan –

Concerns regarding the right of way to the rear of Cahill’s Bar and possibility of accessing the site from there.

Elizabeth Linehan – Concerns regarding the right of way to the rear of Cahill’s Bar. Concerns regarding boundaries being of a suitable scale.

Submissions/Observations received following publication of Material Contravention Notice by Kerry County Council on 19th March 2021.

Casey and Co, Solicitors on behalf of Joe and Lucy O’Keeffe– submission reiterates objections raised earlier.

Environmental Impact Assessment (EIA) – Preliminary Examination

This is a residential project for the construction of a residential development with the construction of 60 no. dwelling units and associated site development works on a 2.98ha site to the rear of Main Street Rathmore. No designated areas of biodiversity importance adjoin the site and the development will not result in the production of any significant waste or result in emissions or pollutants.

Conclusion

Having regard to the above, and in particular to the nature, scale and location of the proposed project, it is considered that this proposal is not one which requires EIA Screening or EIA.

Reasons for conclusion

There is no real likelihood of significant effects on the environment arising from the proposed development.

Appropriate Assessment Screening

See Appendix A attached to this report

Assessment of application

Planning History:

The application site forms part of a much larger site on which permission was refused by an Bord Pleanála for over 300 dwellings under Reference 08.231419.

Visual impact:

The site is located along the southern side of Main Street in Rathmore. It is proposed to demolish an existing two storey derelict dwelling house which fronts onto Main Street. This portion of the site will be used to create a 6m wide vehicular entrance road with 2 metres wide footpaths of both sides from the N72/Main Street. The proposed residential development will be located to the rear of the existing premises along Main Street. This portion of the site is relatively flat and the majority of the dwellings will not be readily visible from Main Street. The form, scale and pattern of the new buildings are appropriate to the immediate area and to other local developments. Therefore, it is considered that the proposed development would have no negative visual impact given the nature and location of the site and surrounding land uses.

Effluent disposal: Connection to public sewerage system is available.

Surface water disposal and flooding:

Currently, surface runoff from the site is collected in open drains which ultimately discharge to the public surface water drainage system. The proposed development will implement a Sustainable Urban Drainage System (SUDS) incorporating a piped surface water network which will flow to attenuation storage tanks with flow restrictors. The system is designed to limit the flow rate from the developed site to the current greenfield runoff rate so as to ensure that the proposed development will not increase the discharge rate to the public surface water drainage system.

Residential amenity: Having regard to the design, layout and levels of the proposed dwelling houses, it is considered that the proposal would not be seriously injurious to the residential amenities of existing residential properties on adjoining lands.

Traffic:

Access to the site is proposed via a new entrance from Main Street/N72 which will be located approx 130m west of the existing Main Street/Station Road Junction. This new access road will provide suitable vehicular and pedestrian connectivity to the town centre.

An indicative Masterplan has been submitted with the application which indicates that this application would comprise Phase One of a larger development. Other future accesses on to Main Street to the north and to Old Road to the south have been indicated as part of that Masterplan.

Zoning and Land Use Objectives:

It is the objective of **KY-RES-01** of the Killarney Municipal District Local Area Plan 2018-2024 to facilitate the development of residential units within each settlement boundary in accordance with the Core Strategy. The Core Strategy provides for 28 additional housing units in Rathmore over the lifetime of the Plan. The proposed development of 60 no. dwellings on these lands zoned Strategic Reserve would, therefore, contravene Objective KY-RES-01.

The majority of the application site is zoned as O1 Strategic Reserve in the Killarney Municipal District Local Area Plan 2018-2024 which is provided to cater for the long-term development of the town. The part of the site occupied by the derelict house to be demolished fronting Main St is zoned as M2 Town Centre. The principle of developing houses within the town is to be welcomed. Towns such as Rathmore have suffered over the years from de-population due to the development of houses at the edge of town/village or one-off houses in the open countryside. This is the first substantial housing development that has been applied for in Rathmore for a number of years. It is very much at the centre of the village and once occupied will help to rejuvenate the village by bringing new residents into the village.

Furthermore, having regard to the location of the site in the centre of Rathmore and the design and layout of the development, it is considered that the proposed residential scheme would be consistent with the following objectives of the Local Area Plan: **KY-RES -04** Ensure that new development schemes shall contribute towards the consolidation of the settlement and development of a sense of place. Development should make effective use of infill, brownfield and back land sites while preventing unnecessary ribbon development.

KY-RES – 05 Require all new residential development schemes (over 5 units) to

provide a mix of house types in order to meet and adapt to the changing demographic trends and household profiles in the County.

KY-RES -07 Ensure that residential densities reflect the residential density of appropriate adjoining developments. Higher densities will be considered in the town/village centre within close proximity to the town/village centre. Lower densities will be considered at the edge of the settlement as per the Department of Environment, Heritage and Local Government publication, guidelines for Planning Authorities on “Sustainable Residential Development in Urban Areas” 2009.

Third Party Submissions/Objections:

Issues raised include concerns regarding traffic congestion and access, residential amenities, the treatment of surface water and concerns regarding boundaries.

These issues are addressed in the paragraphs above.

Development Contributions

See Appendix B attached to this report.

Recommendation

The proposed development is a well-considered proposal to provide 60 dwelling houses close to Rathmore town centre. The density and layout of the proposal is appropriate to the location of the site and is consistent with the existing pattern of residential development in the vicinity. The proposed development would not seriously injure the amenities or depreciate the value of property in the vicinity and would be acceptable in terms of traffic safety and convenience.

It is recommended to **GRANT** permission for this development in Material Contravention of the Killarney Municipal District Local Area Plan 2018-2024 subject to attached conditions.

FIRST SCHEDULE

Having regard to the residential character of the area and the pattern of development in the vicinity of the site and to submissions made in relation to the planning application, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be visually obtrusive, would not adversely affect traffic conditions in the area, would not detract from residential amenities in the area or be otherwise contrary to the proper planning and sustainable development of the area.

SECOND SCHEDULE

- (1) The development shall be carried out in accordance with the drawings and details received by the Planning Authority on 17/09/2020, 25/01/2021, 26/01/2021, 05/02/2021 and 10/03/2021, except where altered or amended by conditions in this permission.

Reason: In the interests of orderly development.

- (2) Prior to the commencement of development, the developer shall lodge with the

Planning Authority a cash deposit or bond of an insurance company to secure the provision and satisfactory completion and maintenance until taken in charge by the Council of roads, footpaths, drains, public open space, public lighting and other services required in connection with the development, coupled with an agreement empowering the Council to apply such security or part thereof for the satisfactory completion and maintenance as aforesaid of any part of the development. The amount of the security shall be **€560,000.00**.

Reason: To ensure the satisfactory completion of the development

(3) Prior to the release of the Bond on completion or partial completion of the development, or prior to the taking in charge of the development by the Planning Authority, a Certificate, which certifies that the water mains and the foul and surface water sewers have been provided in accordance with the plans and particulars received by the Planning Authority and Irish Water (except for any modifications or alterations specified in the conditions attached to this planning permission), shall be provided by a qualified person and submitted to the Planning Authority.

Reason: To ensure the satisfactory completion of the development

(4) Prior to the commencement of development, the developer shall pay a contribution of **€96,120.00** to Kerry County Council (Planning Authority) in respect of Roads & Transport and Community & Amenity infrastructure benefiting the development. This contribution is broken down as follows:

Roads & Transport	-	€42,292.80
Community & Amenity	-	€53,827.20

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and may be increased from January 1st 2022 and annually thereafter (unless previously discharged) in line with the Wholesale Price Indices – Building and Construction (Capital Goods) as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act (as amended) and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

(5) Prior to the commencement of development, the developer shall pay a contribution of **EUR77,540.00** to Kerry County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the proposed development, as a special contribution within the meaning of Section 48 (2) (C) of the Planning & Development Act, 2000 (as amended) towards the cost of implementation of the following schedule

of works:-

Proposed Infrastructure and Facilities

Estimated Cost

Item	Cost
Contribution towards the Roads Infrastructure which is adjacent to and serves this development 100 % contribution towards the cost of resurfacing the vehicular entrance and the provision of a public footpath into the development	€42,700
Contribution towards improvements to the public lighting which serves this development, 100% Contribution towards the upgrading and providing 3 Public Lights and associated ducting to serve this development	€14,840
Contribution towards improvements to the Undergrounding of ESB Networks which serves this development, 50% Contribution towards improvements to the Undergrounding of ESB Networks which serves this development,	€20,000
Total	€77,540

The amount of this contribution will be increased from January 1st 2022 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, in accordance with the provisions of Section 48 of the Planning and Development Act, 2000.

- (6) Prior to commencement of development, or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, 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 social housing in accordance with the requirements of Section 96 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.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000 (as amended) and in accordance with the proper planning and sustainable development of the area.

- (7) The proposed 60 no. dwelling units shall be of traditional design and construction in accordance with the plans and particulars received on 17/09/2020 and as revised on

25/01/2021. Finished floor levels shall be in accordance with drawings received on 25/01/2021. Roofs shall be covered with slates or tiles which shall be either black, dark grey or blue black. The colour of the ridge tiles shall match the colour of the roofs.

Reason: In the interest of architectural harmony and in order to integrate the structure into the surrounding area.

- (8) Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended), no part of the proposed 60 no. dwelling units shall be used for the provision of overnight commercial guest accommodation without prior grant of planning permission.

Reason: In the interests of orderly development and residential amenity.

- (9) The developer shall engage the services of a qualified archaeologist to monitor all ground disturbance aspects of the proposed development at the time of construction. The developer shall be prepared to facilitate the archaeologist in the recording and recovery of any archaeological material encountered. The archaeologist shall be empowered to halt development work, if necessary, for the purpose of recording and recovering any archaeological material encountered. A report on the archaeological monitoring shall be forwarded to the Planning Authority upon completion.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

- (10) Boundary treatments and materials shall be in accordance with the Boundary Treatment Drawings and details received on 17/09/2020 and 10/03/2021.

Reason: In the interest of orderly development and residential amenity.

- (11) (a) All site development works and services shall be carried out in accordance with the Department of the Environment publication 'Recommendations for Site Development Works for Housing Areas' 1998 except where modified by condition of this permission.
(b) All roadworks shall be in accordance with the Design Manual for Urban Roads and Streets (DMURS).
(c) All footpaths and pedestrian facilities shall be built in accordance with the Standards and Specifications of Universal Design at set out by the National Disability Councils Centre of Excellence in Universal Design.

Reason: In the interests of orderly development.

- (12) (a) All the Recommendations of Stage 1/2 Safety Audit for the Proposed Development shall be implemented. Prior to the commencement of the proposed development, all documentation generated from this implementation shall be forwarded to the Planning Dept of Kerry County Council for approval.
- (b) A Stage 3 Safety Audit shall be carried out at the completion of the proposed development with the recommendations acted upon.

Reason: In the interests of traffic safety.

- (13) (a) Prior to the commencement of the proposed development all works affecting the properties which are in the charge of Kerry County Council shall be agreed in writing with the Killarney Municipal District Office. All works which impact on the public road/footpath shall be completed within 12 months of submission of the Commencement Notice.
- (b) Works adjacent to the Public Road shall not affect the surface water drainage regime of the public road and no surface water within the development shall be allowed to flow onto the public road.
- (c) All works adjacent to or on the public road shall require a road opening licence approved by the Operations Department. The approval of this licence will be subject to the Applicant / contractor possessing the adequate level of insurance which indemnifies Kerry County Council. The Applicant / contractor shall produce a company safety statement along with a site-specific safety plan. The site-specific safety plan shall include a site-specific risk assessment and a traffic management plan.

Reason: In the interests of traffic safety and to protect public property.

- (14) (a) The development shall be connected to the public water and public foul sewerage system to the satisfaction of Irish Water. No development shall commence until such time as the developer has obtained and signed a Connection Agreement with Irish Water for the provision of water and sewerage services necessary to enable the proposed development. The developer shall adhere to the standards and conditions set out in that agreement.
- (b) No surface water shall be permitted to enter the foul public sewer network.
- (c) All stop cocks and water meters shall be located in the common access area of the development.
- (d) An adequate number of suitably located fire hydrants shall be provided for the proposed development.

Reason: In the interests of public health.

- (15) (a) Stop signs and road markings shall be provided at all internal road junctions.
(b) Visitor's car parking bays shall be clearly labelled / demarcated, separate from the parking bays for the residential units.

Reason: In the interests of orderly development.

- (16) (a) Design of Public Lighting shall be in accordance with ISO EN 13201 and shall be designed and certified by a competent lighting engineer.
(b) Lamps shall be LED type.
(c) All Fittings shall be Irish WEEE Compliant
(d) Lamp fittings shall have min. I.P. 67 rating.
(e) Lighting Columns shall be Steel Columns to EN 40 standard.
(f) All electrical installations shall comply with the National Rules for Electrical Installations "ETCI regulations" and shall be tested, verified and certified by RECI or ECSSA registered contractors.
(g) As part of the 'as built' drawing submissions on completion of the development, and prior to the occupation of any dwelling units, the developer shall show and certify compliance with the above. A separate drawing for the Public Lighting element shall be submitted, which shall clearly indicate the locations and numbering sequence of lights, the exact specification of lamps and columns (including wattage and column heights) and locations of all mini-pillars, micro-pillars and meters.
(h) Prior to the occupation of any dwelling units, a copy of a recent ESB Bill for public lighting shall be submitted.
(i) The Developer shall be responsible for the payment of all public lighting bills until the public lighting has been shown to be in compliance with the foregoing and taken in Charge by the Local Authority.

Reason: In the interests of orderly development.

- (17) The site shall be landscaped with native Irish species of Irish provenance in accordance with the Landscape Layout Plan received on 26/01/2021. All landscaping shall be put in place prior to the first occupation of any dwelling. All new trees shall have a minimum height of 1.5 metres when planted.

Reason: In order to integrate the development into the surrounding area and in the interests of biodiversity.

- (18) (a) During the construction phase, bunds shall be installed around any temporary oil containment facilities and the developer shall ensure that no oil, grease or other objectionable matter is discharged into any drain, sewer or watercourse.
(b) No silt/sediment laden water shall be discharged from the development to any watercourse in the vicinity of the site. In this regard, during the

development phase of the project, a suitable system for the collection and treatment of any sediment/siltation arising shall be installed on-site and maintained thereafter for the duration of the development works.

Reason: In order to protect the environment and to prevent pollution.

- (19) Any damage to the public roadway as a result of the proposed development and related works shall be made good at the developer's expense to the satisfaction of the Area Engineer.

Reason: In the interests of orderly development and public safety.

- (20) (a) The Developer shall institute appropriate measures (including a wheel wash facility) to prevent material being drawn from the site onto the public road during the construction phase. No earth, soil or other material from this site shall be drawn or deposited onto the public road.
(b) All vehicles associated with the construction of the project shall be parked on the site.

Reason: In the interests of orderly development and public safety.

- (21) All excavations and building works shall be carried out between the hours of 0800 and 1800 Monday to Friday inclusive, and between the hours of 0800 and 1300 on Saturdays only. No work shall be carried out on Sundays or Bank Holidays.

Reason: In the interest of residential amenity.

- (22) Prior to commencement of development, a name and numbering system for the proposed development shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of orderly development.

- (23) Prior to the occupation of each dwelling house, all site development works — stop signs, access road, footpaths, kerbing, gullies, manholes, watermain, sewers, public lighting, water meters, fire hydrants, dished footpaths for pedestrian crossings, parking and boundary fencing shall be substantially completed in accordance with the conditions attaching to this decision in order to ensure an adequate means of access and the provision of all services to facilitate the development.

Prior to the occupation of any dwelling, the developer shall submit a certificate from an approved person stating that all the works carried out to-date on the development are in accordance with:

- The 'Recommendations for Site Development Works for Housing Areas' as issued by the Dept. of the Environment and Local Government in November 1998, as well as the Irish Water Code of Practice Design Manual.
- Any other condition which may have been imposed as a condition of

this permission.

Reason: In the interests of orderly development.

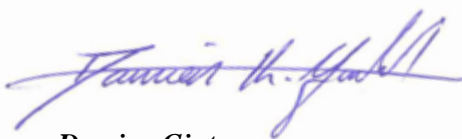
- (24) On completion of the works the developer shall submit 5 copies of as-constructed drawings indicating the on-site position of all structures and services. These drawings and documents shall include:
- (a) The location of all sewers, watermains, ESB and Telecom ducting, stop signs, access road, footpath, kerbing, gullies, manholes, water meters, fire hydrants, dished footpaths and tactile paving for pedestrian crossings and parking. Separate drawing for boundary treatments, green areas and public lighting shall be provided.
 - (b) Details of all pipes sizes, inverts, manholes, cover levels, hydrants and stopcock locations as well as records of all pipe tests.
 - (c) In additions, the following shall be supplied:
 - 2 copies of a certificate of compliance shall be submitted by a suitably qualified person with professional indemnity insurance confirming no defects are present in the surveys; all remedial works have been carried out and all recommendations and conclusions in the report are carried out.
 - 2 copies of a defect free CCTV foul and storm sewer report including maps of the layout of the sewers and manholes.
 - 2 copies of a defect free Water Audit required after all remedial works have been identified and corrected.

Reason: In the interests of orderly development.

We the undersigned:



Michael Lynch
Senior Executive Engineer Planning



Damien Ginty
A/Senior Planner

APPENDIX A

Appropriate Assessment Screening Report by Biodiversity Officer

The application relates to a proposed housing estate and associated works located in the village of Rathmore. The estate is to be developed in phases. I note that development is to connect to the public WWTP which has capacity to meet the requirements.

The development is located to the south of the existing main street of the village. It is located in lands that I would not deem ecologically sensitive. It mainly consists of one existing domestic structure and several fields of semi-improved grassland with extant hedgerows. Having reviewed the existing structure, I would be satisfied that it is unlikely to be suitable habitat for bat species. I note the structure is boarded up with all openings sealed preventing access in/out of the structure. There is no basement or other suitable space for winter roosts.

The river Blackwater is located to the north. It is designated as the River Blackwater (Cork/Waterford) cSAC. I note the proposed development is a considerable distance from the site with the intervening distance buffered by the urban fabric of the village and the main Cork railway line. I have reviewed the proposed plans for the development including drainage plans which proposed to use SuDS for water protection at construction and operational phase of the development as required under the WFD/objectives in the Kerry County Development Plan. I note the lack of any watercourses within the development site that directly connect to the SAC and/or any other sensitive ecological receptors that could act as a source-pathway-receptor.

In conclusion, I would not identify any potential for the development to have a significant effect on the Blackwater River cSAC.

If a grant of permission is considered likely I would request:

- consideration should be given to the landscaping of the proposed development with native Irish species of Irish provenance and in consultation with recommendations from the *All Ireland Pollinator Plan, Pollinator Friendly Planting Code Guidelines*.
- I would also request that the seed mix proposed for the grassed green spaces consider a species mix that is pollinator friendly, in line with recommendations made in the *All Ireland Pollinator Plan*.
- Existing mature hedgerows should be maintained where possible.

APPENDIX B

Calculation of development contributions

Other than House Type 7 on site Nos 49 to 54, all of the proposed houses have floor area less than 125sqm.

Houses Nos 1 to 48 and Nos 55 to 60: 54 units in total

Roads and Transport Contribution: 54 units * €660.00/unit = €35,640.00

Community and Amenity Contribution: 54 units * €840/unit = €45,360.00

Houses Nos 49 to 54: 6 units with floor area 176sqm

Roads and Transport Contribution: 6 * (€660.00 + (51sqm * €8.80/sqm)) = €6,652.80

Community and Amenity Contribution: 6 * (€840.00 + (51sqm * €11.20/sqm)) = €8,467.20

Total Roads and Transport Contribution: €42,292.80

Total Community and Amenity Contribution: €53,827.20

Total Contribution: €96,120.00