

Item: 5.1

Planning Committee: 7 July 2021.

Alterations to Public Park, including Deculverting of Burn, Ground Levels, Footpaths and Bridges and Car Park at Papdale Park, Kirkwall.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

The proposal seeks to redevelop the existing Papdale Park, Kirkwall, into a multifunctional community park, including community areas, creating and improving active travel routes, de-culverting of the burn, alteration of ground levels and redevelopment of the car park. One objection has been received but is not considered to be of sufficient weight to merit refusal of the application. No objections have been received from consultees. A suite of supporting documents and plans have been provided in support of the application including a Design and Access Statement, Flood Risk Assessments, Materials and Product information and Planting Schedule and Tree and Hedge Planting Specifications. The development is considered to accord with Policies 1, 2, 9D, 9G, 10A, 10B, 11, 13A, 13B, 14B and 14C of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

Application Number:	21/199/PP.
Application Type:	Planning Permission.
Proposal:	Alterations to public park, including de-culverting of burn, ground levels, footpaths and bridges and car park.
Applicant:	Orkney Islands Council, School Place, Kirkwall, Orkney, KW15 1HQ.
Agent:	Harrison Stevens Limited, c/o Mike Harrison, 11 South Charlotte Street, Edinburgh EH2 4AS.

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

2.1. Scottish Water

No objection. Scottish Water note that the development could impact on Scottish Water assets. Given the stated 'no objection', this matter would be addressed between the developer and Scottish Water. Scottish Water supports the proposal to de-culvert the Papdale Burn and welcomes this strategic approach to surface water management.

2.2. Scottish Environment Protection Agency (SEPA)

No objection. SEPA notes a very small area of surface water flooding on the site in relation to housing along the western boundary of the site. A record that this area experienced flooding in October 2006 due to surcharging manholes along the culverted Papdale Burn is noted. Culverts, de-culverting and water attenuation matters are explored within the response noting that flooding is more likely to result from obstructed culverted channels than an open watercourse and that 'SEPA would encourage the opportunity to promote the daylighting of culverts back to open water channels for a whole host of environmental and possibly flood risk mitigation reasons'.

2.2. Roads Services

No objection. Planning condition(s) are requested to secure construction details prior to work commencing on site.

2.3. Engineering Services

No objection in consideration of surface water flood risk.

2.4. Development and Marine Planning (Access)

No objection. Works impact upon core path K9 (Papdale – a 0.7 mile path bounding the south east and south west edges of the park). Such works to be subject to a suitably worded condition to protect this core path.

3. Representations

3.1.

One representation has been received from:

- John Garrioch, 33 Reid Crescent, Kirkwall, KW15 1UD.

3.2.

Matters raised include:

- Amenity and safety concerns in relation to open water created by the de-culverting works and proximity to children's play area.

- De-culverting works giving rise to littering, vermin and uncertainty over benefits of such with regards flood risk.
- Concerns over effective long-term maintenance of area leading to negative impacts upon amenity.
- Vandalism and antisocial behaviour negatively impacting amenity.

4. Relevant Planning and Site History

None noted.

5. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application.

- Orkney Local Development Plan 2017.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 10 – Green Infrastructure (Paths, Open Spaces and Green Networks).
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

6.2.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.

- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.3.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

7. Assessment

7.1. Background and Proposal

7.1.1.

The site is situated on the opposite side of The Meadows from Kirkwall Grammar School. The existing park is a large, open grassy space with an area of play equipment in the south west corner, a small copse of recently planted woodland in the north west quarter of the site, and a car park at the entrance area to the west corner. A small bank partly encircles the existing play area, noting absent and end of life play equipment therein. The general site topography slopes gently to the west. In parts the site is subject to waterlogging in wet weather. The site has also been subject to flooding events owing to the existing culverted section of the watercourse being overwhelmed with overland flows occurring as a result. An overview of the project is provided within the Design and Access Statement submitted in support of the application.

7.1.2.

Papdale Park is a key element of the 'Your Kirkwall Place Plan' and is categorised as a Priority 1 Destination Play Area. The Place Plan was adopted as Planning Policy Advice in 2018, being informed by community engagement. The Council owns the site and has progressed the development in conjunction with groups including PEPA (Papdale East Playpark Association).

7.1.3.

It is only those works requiring planning permission that are subject to consideration by this application. This has in turn informed the site area under consideration, leading to a convoluted site boundary, particularly to the north half of the site which is related to path works in that part of the park. The application site boundary was subject to a technical query in the consideration of the application, given that it does not encompass the entirety of the park and that all neighbours bordering the park may not have received a postal neighbour notification for the development; all applicable addresses, contiguous and within 20 metres of the application site boundary were notified directly as required. The application was also advertised in the press as required. In addition to due process it is also of note that the proposed development has been subject to stakeholder consultation and community engagement in advance of formal planning application.

7.1.4.

The proposal has evolved through several design iterations. From supporting information including the Design and Access Statement (April 2021) it is apparent that the development has progressed from a relatively simple concept of improving play equipment provision to a vision where the entirety of this urban park has been considered and evaluated. It is recognised that the park is used and appreciated as an urban greenspace in its current form and is well used by particular groups such as dog walkers. It is also acknowledged that areas of the park have been identified for specific works in the past which in addition to redeveloping the play area has included the planting of a small copse of trees in the north west quarter to commemorate lives lost with the sinking of HMS Hampshire in WW1.

7.1.5.

What is currently envisaged is a more holistic redevelopment of the park with this application being necessary owing to the elements of this redevelopment requiring planning permission, essentially the de-culverting of the burn, alterations to ground levels, access works including the formation of paths and bridges and alterations to the car park, as shown in the Site Plan attached as Appendix 1 to this report. It is acknowledged that the wider aims of the project including environmental betterment through improved accessibility for all people, ages and abilities, introducing natural play features, biodiversity enhancement and improved surface water management are all desirable outcomes. Many aspects of these aims are beyond the remit and consideration of the formal planning process. This application is focussed on particular proposed works requiring planning permission rather than the wider use and nature of the park which remains substantially unchanged as community open space.

7.1.6.

The applicant has provided a range of technical supporting information including topographic surveys and site sections, drainage plans, the de-culverted watercourse profile, flood risk assessment, arrangement for landscape boundaries, planting schedule, street furniture plan and indicative play park and amphitheatre plan. It is recognised that elements of this supporting information are indicative, including the play and activity equipment. It is the engineering and wider physical works that are significant to the determination of the application rather than detail of swings, slides, etc as the nature of use of the site remains unchanged. It is also relevant to note that further detail on certain matters would be required by planning condition including additional phasing detail, specification of paths and parking area and management and maintenance information.

7.1.7.

The matter of surface water management is of particular interest within this application. As previously noted, waterlogging and flood events have been recorded within the park, which has also affected adjacent properties' gardens. Surface water management is recognised in the area as suffering from capacity issues in flood events and of increased concern given climate change. The solution proposed has evolved from an initial hard engineering approach of de-culverting through use of a deep canalised section following the line of the currently buried piped culvert. This

would have retained the line of the culvert in immediate proximity to properties on the south west edge of the park, requiring safety fencing and bunding to safeguard properties and the public with limited wider environmental or aesthetic benefit. This was revisited, with the proposal as currently under consideration for a more natural watercourse, meandering across the park. This avoids proximity to properties, can be graded to allow an appropriate open water environment within a publicly accessible setting, and allows for managed flood attenuation within managed greenspace, whilst providing additional landscape interest with potential biodiversity enhancement for the park.

7.1.8.

Given the nature of various matters included in the letter of objection, the applicant has addressed each of these in turn, as follows:

- The design of the de-culverted waterway has been addressed in accordance with design guidance, Engineering Services and PEPA. The design reflects that of the park and burn at the Willows. The open water channel created would create greater network storage capacity, compared to the existing culvert, with the design also taking account of deviation of flood water away from properties and key paths. The design including the addition of rocks within the open channel is to create visual interest and would be arranged to mitigate the potential for significant water pooling or stagnation. It is of note that neither SEPA nor Engineering Services have objected.
- The technical detail of the waterway has been planned and designed to limit the accumulation of debris (both litter and vegetation) and where that does occur, to allow ease of maintenance and removal. Appropriate gratings would be employed at inlets and outlets and be accessible to maintenance operatives; vegetation would be maintained appropriately, and cuttings removed from the channel area.
- Vermin could be attracted by food-based litter being left in-situ, and to bins not regularly emptied or maintained. Well-located bins, as well as the Council's updated maintenance regime for the park, would minimise this.
- With regards maintenance concerns, there is a funding requirement for a strong and cogent plan and budget for maintenance for a period of ten years post-completion. A maintenance costing was also undertaken, to establish any potential uplift in the burden to the Council. The design and approach were updated in response, to ensure the ability of the Council to maintain the development within budget provision.
- Native woodland and shrub areas have been designed in line with the publication, 'The Orkney Woodland Design Guidance'. Such species are more tolerant of the local climate and soil conditions. Whilst failures are noted within the existing copse, this is not unexpected within any woodland scheme as it becomes established. Any failures within the first two-year period of the redevelopment works will be remedied by the contractor and thereafter through the Council's ground maintenance programme.
- The design of the redevelopment balances community safety and shelter. Tree plantings have been designed with lower densities and are broken up to maintain levels of 'natural surveillance', with no significant (tall) planting around the play

area and in relation to potential vandalism and anti-social behaviour. The creation of enclosed or hidden spaces has been avoided through the proposed design.

7.1.9.

Matters raised within the single objection lodged are considered to either have been addressed in the above or further safeguarded and controlled by planning condition where pertinent. The objection is therefore considered to be of insufficient weight to merit refusal of the application.

7.2. Assessment

7.2.1.

Policy 1 is an overarching policy which sets out the key guiding principles for development. As such this policy covers a wide range of principles for consideration including siting and design, the nature of development in context, amenity, impacts on infrastructure, risk to public health and safety and the protection and enhancement of access to natural heritage. The development encompasses these elements given that it is for the redevelopment of a public park. Of these points it is stated at point (vi) that development will be supported where 'it does not result in an unacceptable level of risk to public health and safety'.

7.2.2.

The matter of public health and safety has been raised by the objector, with response made by the developer. In so far as the planning authority can consider such matters, the issue of de-culverting thereby creating an area of open water in proximity to a children's play area has been considered and addressed through the engineered design of the open waterway proposed. The project engineers having stated 'From an engineering perspective, we would comment that the proposed open channel has been designed with relatively shallow maximum 1:3 slopes and reduced width of channel base and shallow normal water level with safety at the forefront of our minds'. Similarly the concern of the introduction of rocks within the channel are not designed to create dams but to 'create interest within the open channel' with the consideration being that, 'The arrangement of the rocks would be carefully arranged to mitigate the potential for significant water pooling or stagnating. Furthermore, the relatively shallow longitudinal gradients of the proposed open channel would lend itself well to this feature, with the potential of erosion around the rocks being minimal with a modest flow velocity in the channel under normal conditions'. The applicant has stated that the design of the open watercourse is consistent with latest design guidance from Royal Society for the Prevention of Accidents (ROSPA), Construction Industry Research and Information Association (CIRIA) and SEPA.

7.2.3.

It is recognised that construction works have the potential to impact amenity, however such works are limited in duration and are weighed against the medium and longer terms gains of redevelopment. Consideration of existing users of the park and neighbouring properties should be appropriately safeguarded by phasing and construction plans. Subject to appropriate conditions, the application is considered to be in accordance with Policy 1.

7.2.4.

Policy 2 – Design is pertinent as design is a material consideration in the determination of planning applications. The development addresses policy provisions as a sympathetic redevelopment of an area whilst retaining and enhancing the existing uses. By increasing diversity through the daylighting and form of the open water channel, combined with enhanced infrastructure the development is considered to have a positive effect on the appearance and amenity of the area. The application is considered to be in accordance with Policy 2.

7.2.5.

In relation to Policy 9 – Natural Heritage and Landscape, the development is considered to address general matters in relation to natural heritage and wider biodiversity, albeit much of the work on the wider site is not subject to consideration as development, including significant elements of planting and habitat creation and active management of such. These elements would be considered as part of the management and use of the park without the need for planning permission.

7.2.6.

The consideration of the water environment element of Policy 9 is of significant relevance given the introduction of an engineered open water channel where currently there is an underground fully culverted channel through the park. This de-culverting or 'daylighting' of an aspect of the water environment is subject to significant design input to create a naturalistic watercourse in accordance with good practice. The avoidance of unnecessary culverting and the benefits of an open watercourse through habitat creation, improvements to amenity coupled with the potential to improve surface water management, particularly in times of flood events is widely cited by regulatory and industry bodies including SEPA, CIRIA and the Chartered Institute of Water and Environmental Management (CIWEM). It is however acknowledged that such works cannot be considered in isolation and that both design and management practice is key to the success of such schemes. The development as proposed has been subject to consultation with both Engineering Services and SEPA, the consultation bodies with a regulatory remit with regards water management, with no objections arising. The application is considered to be in accordance with Policy 9.

7.2.7.

Consideration of impacts upon green infrastructure (paths, open spaces and green networks) is key to the development proposal as it considers elements of both core paths and access, in relation to Policy 10 – Open Space in Settlements, parts A and B. With regards to access, the proposed development seeks to expand the existing surfaced path network within the park which is viewed positively. Impacts to a core path, K9, have been identified by the Rural Planner through the consultation response received from Development and Marine Planning. No adverse impacts to a core path would be acceptable and where works would impact a core path, Policy 10A requires that amenity value of the current route is maintained or enhanced or that an alternate path or access is agreed. The proposal would result in enhancement of access provision generally; however, it would be considered

prudent that safeguarding matters in relation to this core path are considered by planning condition.

7.2.8.

Papdale Park is identified within the Orkney Local Development Plan as a Strategic Open Space. As previously noted, the park is categorised as a Priority 1 Destination Play Area. Given the nature of the application and the wider aims of the project as stated within the submitted Design and Access Statement in support of the application, the application is considered as fully compliant with Policy 10B.

7.2.9.

The enhancement of children's play facilities is a stated aim of Policy 11 – Outdoor Sports, Recreation and Community Facilities. The current play facilities offered by the park are poor, or even absent, and it is recognised that redevelopment of the park has the essential aim of improved play facilities as championed by PEPA. Whilst the individual elements of play and activity equipment have not at this stage been identified, this level of detail is not considered necessary in the determination of this application. It is however relevant to note the landforms to be created and that adequate consideration of wider design matters have been addressed. Given the assurances provided through the design of the de-culverted burn, allied to consideration of 'natural safety' and other measures as may be considered necessary to safeguard the public as required by the Council as landowner, it is considered that the development accords with Policy 11.

7.2.10.

Flood risk and the appropriate management of surface water has been progressed through design iterations of the proposal, with this evolution being described within the supporting Design and Access Statement. Measures to incorporate biodiversity, amenity and open space benefit is encouraged by Policy 13 with the opening up of culverted watercourses being specifically cited as an example.

7.2.11.

The open nature of the park provides opportunity to pursue de-culverting. The proposed development seeks to capitalise on the range of benefits that de-culverting or 'daylighting' of the currently fully piped, buried culvert offers, combining a flood mitigation/management strategy with environmental enhancement. The submitted Flood Risk Assessment, produced by ETIVE consulting engineers, notes historic flooding, consultation undertaken, existing drainage, modelling work and the mitigation that the proposed scheme offers. ETIVE conclude that, 'An open channel with bed width of 0.6m and side slopes of 1:3 has been modelled and tested using the Hec-Ras software for flows up to and including the 1:500yr + Climate Change rainfall event. Results have shown that flows up to and including this rainfall event are retained in the channel and adjacent attenuation provision with no out of bank flood events noted'. SEPA notes within its response that it is anticipated that passage of flows downstream owing to the proposed works would be slowed and that the capacity of the culverted burn downstream may be increased by reducing the peak flow discharging through the network at the same time. SEPA does however add that this may not apply in a scenario of a very extreme prolonged flood

event. SEPA 'welcome this strategic approach to using natural blue-green infrastructure to create a more flood resilient community, incorporating this with an opportunity for placemaking'. The proposed development is considered to accord with Policy 13A.

7.2.12.

The promotion and creation of active and sustainable travel is a policy requirement, noting Policy 14 – Transport, Travel and Road Network Infrastructure. The additional provision of surfaced path routes through the site have been designed to increase the use of the park for all ages and abilities which would be supported by this policy. Roads Services has requested that further detail be secured to ensure that works are undertaken to an appropriate construction standard. This would apply to the path infrastructure and car park area. Subject to planning condition, this aspect of the development is considered as in accordance with Policy 14.

8. Conclusion

8.1.

This proposal is for the redevelopment of an existing park. The aims of the redevelopment incorporate several strands from the original concept of an improved play area, and has progressed to a larger scheme which seeks to benefit the wider environment, through increased biodiversity and enhancement of habitats, improved provision for access which is accessible to all ages and abilities and to achieve necessary improvements to surface water management to the benefit of flood management and habitat creation through de-culverting, forming a naturalistic stream through the site. One objection has been received but is considered to be of insufficient weight to merit refusal of the application. A planning condition would require submission of a maintenance and management plan for the infrastructure subject to the current application.

8.2.

The application is considered to comply with Policies 1, 2, 9, 10, 13 and 14 of the Orkney Local Development Plan 2017. Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officer

David Barclay, Senior Planner, Development Management, Email david.barclay@orkney.gov.uk

10. Appendices

- Appendix 1: Site Plan.
- Appendix 2: Conditions.



Please refer to drawing
20029_L_315 for an indicative
layout for the Phase 2 Area

- LEGEND**
- Site Boundary
 - Application Boundary
 - Phase 2 Boundary
This application includes the proposed drainage and grass seeding works within this area. Phase 2 development details will be determined at a later date.
 - Hardworks**
 - Paving Type 1a - To Main Path
Refer to HW_200
 - Paving Type 1b - To Secondary Path & Carpark Roadway
Refer to HW_200
 - Paving Type 2 - To Raised Table
Refer to HW_200
 - Paving Type 3 - To Plaza
Refer to HW_200
 - Paving Type 4 - To Plaza
Refer to HW_200
 - Paving Type 5 - To Informal Paths
Refer to HW_200
 - Paving Type 6 - To Deck
Refer to HW_200
 - Existing Paving Retained/Repaired
 - Tree Grids
Refer to SW_200
 - Selected Rocks To Form Weirs and Rocky Pools
Refer to HW_200
 - Burn Channel and Attenuation Zones
Refer to Engineer's Drawings
 - Softworks**
 - Tree Type 1: Specimen Tree
Refer to SW_200
 - Tree Type 2: Small Amenity Trees
Refer to SW_200
 - Planting Type 1: Hedge Mix
Refer to SW_200
 - Planting Type 2: Native Woodland Mix Planting
Refer to SW_200
 - Planting Type 3: Native Shrub Mix Planting
Refer to SW_200
 - Planting Type 4: Ornamental Planting
Refer to SW_200
 - Planting Type 5: Wildflower Meadow
Refer to SW_200
 - Planting Type 6: Burn Banks Meadow
Refer to SW_200
 - Planting Type 7: Amenity Grass
Refer to SW_200
 - Reinforced Grass
Refer to SW_200
 - Existing Heritage Woodland
 - Existing Area of Daffodils
 - Bulb planting
To include extension to existing area and the labyrinth shapes

- NOTES:**
1. This drawing is to be read in conjunction with all other drawings and specifications.
 2. Do not scale off this drawing. Written dimensions to be taken only.
 3. Any discrepancies found between this drawing and other drawings, specifications or other associated documents must be referred to the Landscape Architect prior to work commencing.
 4. This drawing must not be copied in whole or in part without prior written consent of HarrisonStevens Limited.
 5. Survey information is based upon the Topographical Survey and OS data where referenced.

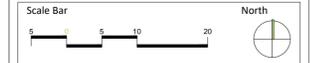
Issue	Revision	By	Date
E03	Re-issued for PLANNING	LL	11.05.21
E02	Issued for planning	LL	27.04.21
E01	Issued for report	LL	26.03.21
E00	Issued for BCF information	EL	05.02.21

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HarrisonStevens.co.uk

Client:
Orkney Islands Council

Project:
**Kirkwall
Papdale Parks and Play**

Drawing Title
General Arrangement



Date: 09.11.20 Status: **PLANNING**

Drawn: EL Checked: MH Scale: 1:500@A1

Dwg. No.: **20029_L_200** Rev.: **E03**

Appendix 2

01. No development or work shall commence until a detailed specification for the car park and junction with the public road has been submitted to, and approved in writing by, the Planning Authority in consultation with Roads Services. Thereafter, development and work shall progress in accordance with those approved details.

Reason: To protect road safety and for the avoidance of doubt.

02. No development shall commence until a detailed Outdoor Access Plan of public access and full specification of access routes across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

- All existing access points, paths, core path K9 and other routes, and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site.
- Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures.
- All proposed paths, tracks and other routes for use by walkers, riders, cyclists, all-abilities users, etc and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc).
- Any diversion of paths, tracks or other routes, temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first use of the development or as otherwise may be agreed within the approved plan.

Reason: To safeguard public access during the construction phase of the development.

03. No development shall commence until a Phasing Plan, outlining details of the phasing of the development, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall be undertaken in accordance with this approved Phasing Plan.

Reason: To ensure that the build-out of the development is appropriately managed to avoid adverse impact on infrastructure and amenity.

04. No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. The appointment and remit shall first be approved, in writing, by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the

completion of the approved landscaping work and the remit, in addition to any functions approved in writing by the Planning Authority, shall include:

- Ensuring that the approved General Arrangements Softworks Plan (ref 20029_SW_200) is implemented to the agreed standard.
- The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate.

Notwithstanding condition 03, prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by, the Planning Authority.

Reason: To ensure that the approved landscaping works are properly undertaken on site.

05. Landscaping details pursuant to condition 04 above shall include a detailed Landscape and Maintenance Plan. The Landscape and Maintenance Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter also carried out in accordance with the Landscape and Maintenance Plan. For the avoidance of doubt, any trees or plants which within a period of five years from completion of the development die or, for whatever reason, are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure approved landscaping works are properly maintained.

06. No development shall commence until a Maintenance and Management Schedule for surface water management and the management of the de-culverted watercourse has been submitted to, and approved in writing by, the Planning Authority in consultation with Engineering Services. Thereafter, development shall be undertaken in accordance with this approved sched. This Schedule shall include:

- Confirmation of maintenance responsibilities and arrangements for all surface water devices including gratings at either end of the open watercourse.
- Full maintenance details, including a maintenance schedule, of all surface water devices, including gratings at either end of the open watercourse.
- A maintenance schedule for all surface water devices including gratings at either end of the open watercourse.

Reason: To ensure the proper maintenance and management of surface water devices in perpetuity.

07. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on

Saturdays and not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.