



An
Bord
Pleanála

Board Direction
BD-005583-20
ABP-306325-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/04/2020.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following

- (a) the site's location close to Cork City, adjacent to an established built-up area on lands with residential, public park and community use zoning objectives in the Cobh Municipal District Local Area Plan 2017,
- (b) the policies set out in the Cork County Development Plan 2014,
- (c) the policies set out in the Cobh Municipal District Local Area Plan 2017.
- (d) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018,
- (e) Climate Action Plan 2019. To Tackle Climate Breakdown (Government of Ireland, 2019),
- (f) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (g) the Southern Regional Assembly Regional Spatial & Economic Strategy (RSES) 2020

- (h) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (i) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (j) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018,
- (k) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- (l) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (m) the nature, scale and design of the proposed development,
- (n) the availability in the area of a wide range of social, community and transport infrastructure,
- (o) the pattern of existing and permitted development in the area,
- (p) the planning history within the area,
- (q) the submissions and observations received and
- (r) the report of the Planning Inspector

Stage 1: Screening for Appropriate Assessment

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation

Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the site's Conservation Objectives other than the Sites Great Island Channel SAC (001058) and the Cork Harbour SPA (00430), which are the European sites for which there is a likelihood of significant effects.

Stage 2: Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Sites Great Island Channel SAC (001058) and the Cork Harbour SPA (00430) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for nearby European Sites in view of the site's Conservation Objectives Great Island Channel SAC (001058) and the Cork Harbour SPA (00430). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

- i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) mitigation measures which are included as part of the current proposal,
- iii) Conservation Objectives for these European Sites,

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's Conservation Objectives.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the site's conservation objectives.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development.
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application.
- (c) The submissions from the Planning Authority, the observers and prescribed bodies in the course of the application.
- (e) The Planning Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant provided information which was reasonable and sufficient to allow the Board to carry out an environmental impact assessment and to reach a reasoned conclusion on the significant effects of the project on the environment. The Board is satisfied that the information and data available and the reasoned conclusion is up to date at the time of taking the decision.

The Board agreed with the summary of the results of the consultations and information gathered in the course of the EIA, set out in the Inspector's report. The Board is satisfied the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision (with the exception of the inspector's concerns in relation to Traffic & Transport and Air Quality & Climate and the interaction between them).

Reasoned Conclusions on the Significant Effects:

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, the Board considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A long-term impact on population will be positive and will comply with the national target for the expansion of major cities. Impact on human health will be neutral in the long-term.
- Short term impacts from noise and vibration during construction is likely and will be restricted to levels required in best practice guidance.
- A significant amount of cut (186,832m³) and fill (152,436m³) will be mitigated by the reuse of materials throughout the construction, including the contouring of lands to the east for the school site.
- The proposal for public connection to the water, integration of SUDS measures and design capacity of the proposed pumping station for the larger Ballyvolane area will have a positive long-term impact.
- The servicing of the site will provide a long-term positive for the material assets and the upgrade of the Ballyhooley Road and will provide a long-term positive for cyclists and pedestrians.
- Biodiversity impacts, which will be mitigated by construction management measures, protection of trees to be retained and landscaping.
- Landscape and visual impacts, which will be mitigated by the design and landscaping proposal which will reflect the topography of the site and integrate large expanses of open space with planting and tree/planting plans and monitoring,

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate and subject to compliance with the conditions set out below, the effects on the environment of the proposed development by itself and cumulatively with other

development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector (with the exception of the inspector's concerns in relation to Traffic & Transport and Air Quality & Climate and the interaction between them).

In deciding not to accept the inspector's reasoned conclusions in their entirety, the Board considered that the proposed development would not have an adverse impact on Traffic & Transport and Air Quality & Climate and the interaction between them associated with increased traffic movements or increased levels of CO₂ emissions where the potential Impact from the operational phase is from vehicle emissions and where results from a vehicle emissions air dispersion modelling study indicate the impacts imperceptible in the short and long term and levels of traffic-derived air pollutants will not exceed the ambient air quality standards with the proposed development in place. The Board is satisfied that a robust and detailed assessment has been carried out, using best practice and available data in terms of the methodologies and modelling employed.

The EIAR, confirms in Chapter 7, that the 'do something' scenario relates to the proposed development for the year 2029. This data is based on the data derived from traffic modelling carried out by the applicant and summarised in Chapter 9.

In terms of reference to modal shifts employed, the Board is satisfied that the baseline of 2019, based on 2016 CSO figures is appropriate, and that in deriving a final predicted modal shift, that a comparable site/area be used. To this end, Blanchardstown, on the edge of Dublin City, with similar public transport options available (i.e. bus) and proximity to employment locations, education, etc. is appropriate. The Board is satisfied that this is a reasonable, and well-explained approach, and in terms of a predictive modal shift is a reasonable estimate.

In addition, in not assuming any changes or improvements in modal shift in respect of the background traffic levels, a worst-case scenario has been taken.

In deciding not to accept the Inspectors conclusions in respect of her statement that no justification/reference has been provided to support the predicted modal shift or that the air quality modelling was carried out with 'no reference to modal split, number of traffic movements and integration of sustainable travel modes', the Board was satisfied with the evidence, justification and rationale provided within the EIAR.

The 'do something scenario' is based on the proposed development, which as referenced in Chapter 9B, includes traffic generated by the development (which has been estimated using best practice modelling, and reasonable assumptions in respect of modal shift which increases from 12% to 45% from 2019 to 2029, as public transport improves within the area and the development including schools and crèches is completed).

In addition, the Inspector when referencing 'all written submissions' notes 'concern is raised over an absence of the EIA to adequately address the impact on climate change'. The Board did not accept this concern and noted the Inspectors reference in an earlier statement in the paragraph above which reads 'Reference to the Climate Act and low Carbon Development Act 2015 is provided. Increase levels of CO2 emissions in 2029 will be equivalent at most to 0.001% of Irelands total'.

Having regard to the above, the Board has carried out its own EIA in respect of this issue and is satisfied that this issue has been satisfactorily addressed in the applicant's EIAR.

Furthermore, the Board did not consider that the proposed development lacked sufficient integration with the Northern Distributor Road (NDR) (Mayfield to Kilbarry Link Road), and on the contrary considered that the provision of the improved road network and accessibility to public transport modes actively support sustainable modes of transport and the development of high public quality transportation systems and that a sufficiently robust and detailed assessment had been carried out to enable the Board to carry out its assessment. In respect of the traffic and transportation analysis carried out in the EIAR, the Board is satisfied that appropriate and reasonable regard was had to CMATS, BSTC scheme and NTA data and road and public transport improvement proposals. Cork County Council have over the last ten years prepared and adopted various statutory land use and transportation plans for this area. The scale and nature of development proposed on this site, in particular having regard to the proposed medium density and road improvements put forward, reflect the Cork Core Strategy and vision/objections for the Ballyvolane UEA (Urban Expansion Area)

Therefore, the proposed development would enhance the quality of the local road network for all road users including cyclist and public transport modes as part of the proposal would, therefore, have a positive impact on Traffic and an imperceptible negative impact on Air Quality & Climate and their interaction with Population/Public Health.

Conclusions on Proper Planning and Sustainable development

The Board considered that, subject to compliance with the conditions as set out below, the proposed development would constitute an acceptable residential density in this outer suburban / greenfield location, would be in accordance with the density range set out in Section 5.11, 'Outer Suburban / Greenfield Sites' of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), with the objectives of the National Planning Framework, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, quantum and mix of development and open space 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.

In deciding not to accept the Inspector's recommendation to refuse permission for the three reasons outlined, the Board was satisfied, in relation to recommended refusal reason number one, that having regard to the site's peripheral greenfield location within the Cork County Metropolitan Strategic Planning Area and having regard to the Cobh Municipal District Local Area Plan 2017 (which includes an objective for the planned expansion of the Ballyvolane UEA to 3,600 dwellings), that the density of the proposed development (at 35 dwelling per hectare) is in accordance with the density range set out in Section 5.11, 'Outer Suburban / Greenfield Sites' of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) which states inter alia that *"the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency"*.

The Board agreed with the inspector that the proposed development is situated on serviceable lands, within the development boundary of Cork Northern Environs, in an area zoned for residential development, which is subject to ongoing and planned infrastructural improvements, and with access to existing and planned public transport. However it also noted, significantly, the proposed development's proposals to enable both key water and road infrastructure for the wider Ballyvolane UEA and therefore the significant enabling "planning gain" for this outer northern city suburb of Cork incorporated into the subject application.

Having regard to the proposed density of development, it is therefore considered that the proposed development would be developed at an acceptably high density at 35 d.p.h. (see note above re S.5.11 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas [2009]), which would provide for an acceptable efficiency in terms of use of serviceable land given, in particular, the site specific topographical constraints and peripheral greenfield location of the application site within the former functional area of Cork County Council, notwithstanding its relative proximity and accessibility to Cork City. The Board, therefore, did not accept the Inspector's conclusion and recommended reason for refusal that the density proposed would be contrary to the aforementioned Ministerial Guidelines. The Board noted the Inspector's contention that the density of 35.7 d.p.h. has been 'distorted' and requires 'consideration', however the Board was satisfied that having regard to the overall layout, topography and provision of road infrastructure and public open space that the net density as calculated was acceptable and in accordance with the Ministerial Guidelines. The Board concluded that proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Furthermore, in relation to second recommended reason for refusal, the Board was satisfied and concurred with the local Planning Authority, that subject to the omission of the proposed access onto local road (L2976) to the north of the site, the proposed development would not endanger public safety by reason of traffic hazard and would not lead to conflict between road users.

The Board considered that the extent of infrastructure to be delivered in Phase 1 and subsequent phases of the proposed development, based on the information before it and subject to an appropriate Section 47 Agreement between the Local Authority and the developer in the form proposed by the Planning Authority, as set out in the conditions below, would comply with the delivery of sustainable transportation principles in a sequential and integrated manner as promoted in the Local Area Plan and supported by the local Planning Authority and it did not consider that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard nor lead to conflict between road users. The Board considered that the proposed development represented a significant enabler and catalyst to the sequential development of the lands in the Ballyvolane UEA through the making available of key water and road infrastructure across the proposed phases of the development thereby benefitting the wider North City Environs and delivering on key objectives of the Local Area Plan, the Ballyvolane UEA and Irish Water. The Board agreed with the applicant's statement of consistency and therefore, did not consider the proposed development premature and considered a 7 year permission appropriate in this instance.

Finally, in relation to the third recommended reason for refusal, the Board considered that, having regard to the significant topographical challenges encountered within the site, the proposed development engages with the contours in an acceptable and appropriate manner and retains cyclist and pedestrian connectivity throughout. The Board noted the significant number of cul de sacs, however it was satisfied that these were unavoidable and were acceptable in the context of the high quality of the overall layout and connectivity and having regard to the flexibility allowed for in the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport, and the Department of the Environment, Community and Local Government.

The Board considered that the layout (subject to revisions as required by condition below) promoted a high-quality street layout which prioritises pedestrian and cyclist movement over vehicular movement within the available parameters of the site. The proposed development would be in accordance with Ministerial Guidelines and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report and the Natura Impact Statement submitted with this application, as set out in Chapter 15 of the Environmental Impact Assessment Report ‘Summary of Mitigation and Monitoring’, and as set out in Chapter 6 of the Natura Impact Statement ‘Mitigation’, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The permission granted shall be for a period of seven years.

Reason: In the interest of clarity

4. The northern vehicular access to the L2976 local road shall be omitted and replaced with a pedestrian only access and vehicular turning head. Prior to the commencement of development, the developer shall submit revised drawings for the written agreement of the planning authority. The internal road 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 DMURS

Reason: In the interest of traffic safety.

5. Prior to commencement of development the developer shall enter into a formal section 47 agreement, in accordance with of the Planning and Development Act 2000, as amended, in relation to:
 - (a) Lands that are zoned as Passive Amenity Space in the Cobh Municipal District Local Area Plan in the Ballyvolane Urban Expansion Area Lands zoned objective NE-O-04);
 - (b) The Mayfield Kilbarry Link Road;
 - (c) Lands that form part of an upgrade to the Ballyhooly Road;
 - (d) A proposed distributor road to serve third party lands and later phases of the Urban Expansion Area, and
 - (e) Proposed services (foul and surface water) that are to be developed.

This agreement shall be agreed in writing with the planning authority prior to the commencement of development on the site. Construction shall not proceed until such time as the section 47 agreement is finalised between the developer and the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: To give certainty that the infrastructure and housing will be delivered as per the terms of the agreement in the interest of orderly development.

6. Prior to commencement of development the developer shall submit for the written agreement of the planning authority revised drawings reflecting a revised, larger community centre.

Reason: In the interests of clarity and proper planning and sustainable development of the area.

7. Prior to commencement of development the developer shall submit for the written agreement of the planning authority a management plan for the school zoned lands set aside for educational purposes.

Reason: In the interests of clarity and proper planning.

8. The developer shall carry out a stage 1/2/3/4 Road Safety Audit for the entrance on the R-614. The findings of the audits shall be closed out, signed off and incorporated into the development at the developer's expense. Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interests of traffic and public safety.

9. Prior to commencement of development the developer shall submit revised proposals to provide an internal vehicular connection from Phase 4 to the rest of the development.

Reason: In the interests of public and traffic safety and the proper planning and sustainable development of the area.

10. Prior to commencement of development the developer shall submit revised proposals to provide direct connection for pedestrians and cyclists from Phase 4 to the proposed Greenway and from the south western section of the estate to the existing Greenway.

Reason: In the interests of traffic safety and promoting sustainable travel.

11. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

12. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Render shall not be used as an external finish.

Reason: In the interest of visual amenity and durability.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

14. The light trespass into the windows of houses shall be limited to a maximum of 10 EV (vertical illuminance in lux) before 23.00 hours and 2 EV after 23.00 hours.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

16. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted 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.

17. The developer shall submit and agree full details of the proposed regional pumping station with the planning authority which shall include:
- (a) revised pump station general layout;
 - (b) any necessary revisions to the site layout;
 - (c) details of the proposed odour control unit
 - (d) details of the proposed covers to ensure the covers specified are relatively airtight to avoid any odours escaping.

Reason: In the interest of public health.

18. All feasible measures shall be taken to avoid the introduction or spread of invasive alien species into the site. Where these species are found on the site effective and appropriate management measures shall be taken to control such species. A mitigation workplan shall be submitted to and agreed with the planning authority prior to the commencement of works at the site. The workplan shall provide for appropriate eradication, disposal and maintenance activities, including the need for specialist personnel where necessary.

Reason: To prevent the spread of invasive alien species.

19. The site shall be landscaped in accordance with the plans and particulars which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to occupation of the development.

The landscaping scheme as submitted to An Bord Pleanála 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 shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The developer

shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

Reason: In the interests of residential and visual amenity.

20. The public open spaces will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws for public open space of the planning authority at all times.

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including open spaces.

21. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Render shall not be used as an external finish.

Reason: In the interest of visual amenity and durability.

22. No development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

23. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

24. (a) Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.
- (b) No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of clarity.

25. 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.

26. Proposals for a development name, office/commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

27. Site development and building works shall be carried only out between 07.00 to 18.00 hours Mondays to Saturdays inclusive, 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 amenities of property in the vicinity.

28. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

29. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

31. 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.

32. 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.

Board Member

Date: 15/04/2020

Paul Hyde