



An
Bord
Pleanála

Board Direction
BD-007069-20
ABP-308002-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/12/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, 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 policies and objectives of the Wexford Town and Environs Development Plan 2009-2015 (as extended) and the Wexford County Development Plan 2013-2019 (as extended),
- (b) Regional Spatial and Economic Strategy for the Southern Region, which identifies Wexford as a 'key town' in the region,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (e) 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 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- (f) the Guidelines for Sustainable Residential Development 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,
- (g) the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018,
- (h) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (i) the nature, scale and design of the proposed development,
- (j) the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement (incorporating Appropriate Assessment Screening),
- (k) the availability in the area of a range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history of the site and within the area,
- (n) the submissions and observations received,
- (o) the report of the Chief Executive of Wexford County Council, and
- (p) the report of the Inspector.

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the

proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than Wexford Harbour and Slobs SPA (004076), Slaney River Valley SAC (000781) and The Raven SPA (004019), which are European sites for which there is a likelihood of significant effects.

Appropriate Assessment: Stage 2

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 Wexford Harbour and Slobs SPA (004076), Slaney River Valley SAC (000781) and The Raven SPA (004019), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the 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 sites conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted with the application;
- (c) The reports and submissions received from observers and prescribed bodies and the applicant's further submission in the course of the application;
- (d) The Inspector's report;

The Board agreed with the summary of the results of consultations and information gathered in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that 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.

Reasoned Conclusions on the Significant Effects:

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Management Plan (CEMP) is the overarching general mitigation embedded in the project design and delivery for the construction stage. In addition, plans relating to Waste Management, Invasive Species

Management and Traffic Management are also proposed. The main significant effects, both positive and negative are:

- Significant direct positive effects with regard to **population** and **material assets** due to the increase in housing in the town that would result from the development.
- A significant direct effect on **land** by the change in the use of a relatively large site from brownfield and scrub to residential use. Given the limited value of the existing condition of the land in environmental terms and its location adjoining the built up area of the town and the need for housing in the region, this effect would not have a significant negative impact on the environment.
- A significant effect on the **landscape** due to the scale of the development and its location near the shoreline along the estuary. Given the standard of urban design achieved by the proposed development and its proximity to the existing built-up area of the town which includes substantial buildings on higher land that would frame the proposed development in views from around the estuary, this effect would not have a significant negative impact on the environment.
- Potential effects arising from **noise** and **vibration** during construction which will be mitigated by appropriate management measures.
- Potential effects on **air** during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on **water** due to the proposed location of a substantial residential development on lands beside an estuary, which are at risk of flooding. The information submitted in the EIAR and the other documentation submitted with the application regarding the proposed measures to mitigate this impact is sufficient to demonstrate that such measures are likely to be successful in protecting the proposed development from flooding and comply with the justification test for residential development within flood risk zones A and B, as set down in the 2009 Guidelines on the Planning System on Flood Risk Management.

- Potential significant effects on **soil** and risk of pollution of the marine environment during construction due to the extensive filling required to carry out the development to protect the proposed development from flooding and potential spread of invasive species. The EIAR contains sufficient information to describe this aspect of the development and the measures to mitigate potential direct effect on soil and indirect effect on water quality due to the possible release of sediments or other pollutants to water during the construction of the development, therefore it is unlikely that negative effects on water quality would occur. Potential impacts from Japanese Knotweed would be mitigated through the undertaking of an Invasive Species Management Plan and monitoring programme.
- The proposed development is not likely to have significant adverse effects on human health, biodiversity or cultural heritage.

Conclusions on Proper Planning and Sustainable Development

The proposed development on this brownfield site would result in the creation of a new sustainable residential development within the northwest environs of Wexford Town and would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. Environmental Impact Assessment and Appropriate Assessment have been considered as set out in the sections above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 or as otherwise stipulated by conditions hereunder, and the 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, as set out in Chapter 14 of the Environmental Impact Assessment Report 'Summary of Mitigation Measures' and Natura impact statement, as set out in chapter 12 'Summary of Mitigation Measures' submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission. The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the Environmental Impact Assessment Report and the Natura impact statement are implemented in full.

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

3. The proposed development shall be amended as follows:
 - (a) The proposed boundary fence across the entrance to the existing railway bridge shall be omitted from the development and the existing access point to the bridge maintained, with a pedestrian/cycle connection over the railway bridge facilitated by the developer;
 - (b) Unit 14-01 to the west shall be omitted;
 - (c) Provision of a planted privacy strip at ground level to the apartments in Blocks two and three;
 - (d) Full details of materials and colour for the proposed Otter wall and fence

boundary shall be provided. Where required, samples of the materials shall be erected on site for the agreement of the planning authority;

- (e) Wall Type 2 and Wall Type 2bis shall have an overall maximum height of 2 metres;
- (f) Where Wall Type 2 is proposed, the lower height of 900 millimetre shall apply to the entire depth of the main two storey elevation of the dwelling to which it relates and the wall shall only increase in height to 2 metre along that section of the boundary that relates to the rear garden behind the two-storey element of the building;
- (g) Wall Type 1 to the front of dwelling numbers A1/14-01 to A1/18-18 to the west of the site and the front boundary Wall Type 1 to all other dwelling houses facing toward the estuary along the northern and eastern boundaries, shall be replaced with 900-millimetre-high railings supported by planting;
- (h) The side boundary Wall Type 2bis to the side elevation of dwelling unit numbers A1/14-18 shall be replaced with Wall Type 2;
- (i) Dwellings on plot numbers C1/7-03, C3/7-04, C3/7-5, C1/7-06, shall be omitted and replacement dwellings designed to provide an elevation to the street to the east as well as to the north and south, with dual frontage units at the corners;
- (j) Dwellings on plot number A4/8-17, B3/6-07, C3/7-09, C3/7-01, B3/5-12, B3/5-16, B3/4-18, C3/11-09, C3/11-01 B1/12-08, B1/12-01, B1/3-16 and B1/3-12, shall be omitted and replaced with full dual-fronted designed dwellings.
- (k) The bin store to the southeast of Block five shall be relocated further west on the site or to another location to be agreed.
- (l) All footpaths to the southeast of the site shall be located inside the line of the otter habitat boundary.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity, visual amenity, public realm and ecological protection.

4. Prior to the commencement of development, the developer shall submit a Building Lifecycle Report which shall be agreed in writing with the planning authority. The Building Lifecycle Report shall include details of the long term running and maintenance costs of the apartments as they would apply on a per residential unit basis, as well as demonstrating what measures have been specifically considered to effectively manage and reduce costs for the benefit of residents.

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

5. A suitably qualified ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of mitigation and all monitoring measures relating to ecology set out in the Natura impact statement and the outline Construction Environmental Management Plan. The ecologist shall be present during site construction works. Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and marine biodiversity.

6. Details of the materials, colours and textures of all the external finishes to the

proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

7. Details of external shopfront, lighting, security shuttering and signage for the retail unit and childcare facilities shall be as submitted to and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

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

8. No additional 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 amenities of property in the vicinity and the visual amenities of the area.

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

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

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be sensitive to bat and otter species in the area and shall ensure no overspill of lighting onto the shoreline habitats.

Reason: In the interests of amenity and public safety.

11. 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.

12. The number of bicycle parking spaces within the site, shall be agreed in writing with the planning authority. Details of the layout, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

13. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be

referred to An Bord Pleanála for determination.

Reason: In the interest of sustainable transportation.

14. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents or occupants or staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May, 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

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

16. Prior to commencement of development the developer shall submit a revised storm water management plan to provide for additional Sustainable Urban Drainage System measures, including such measures as permeable paving on hardstanding areas, water butts, swales/basins, bioretention areas, raingardens, blue or green roofs as appropriate.

Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

17. The developer shall undertake a pre-construction invasive species survey and, following same, shall produce a management plan for the control of alien invasive plant species including a detailed monitoring programme and details of any proposed exclusion zones, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to prevent the spread of alien plant species.

18. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the planning authority for written

agreement prior to commencement of any development. In particular this scheme shall include the following:

- (a) Delivery of the railway bridge crossing as part of the first phase of development. The proposed construction access via Faythe Harriers Hurling and GAA Club shall be utilised only for the construction of the bridge over the railway line and the access road into the site. All other construction access shall be over the new bridge when complete.
- (b) Delivery of a cyclist-pedestrian link over the existing railway bridge over the railway line to facilitate access to lands south of the railway line. All other construction access shall be over the new bridge when complete. Deviation from this arrangement may be facilitated in limited circumstances subject to prior written agreement with the planning authority.

Reason: In the interest of traffic and pedestrian safety and the timely provision of supporting infrastructure.

19. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

In addition to the proposals in the submitted landscape plan, the following shall be submitted:

- (a) A biodiversity information trail shall be provided for within a revised landscape plan, which shall provide for the installation of biodiversity information boards and/or other communication strategies at a number of prominent locations along the northern, western and eastern boundaries

of the site. Information boards shall clearly display information related to: -
(a) the prevention of spread of invasive species, (b) information in relation to birds and otters and (c) information about the protection of terrestrial and marine habitats. The information boards shall be maintained and updated as necessary. Revised plans and particulars showing compliance with this requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Details in relation to proposed play facilities to address a range of ages across the scheme, including in communal spaces serving the apartments.

(c) Additional planting between every 6 spaces of on-street parking bays, where feasible.

The above details shall be incorporated into a revised landscape plan and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

20. The entire boundary of the site along the shoreline, reedbed and woodland to the west of the site shall be permanently fenced off by a low wall and fence of total height of 2100 millimetre to prevent access to the shoreline habitats by people or dogs. This fence, and the buffer zone vegetation, shall be regularly inspected and any damage to the fence shall be repaired by the management company, or by the Local Authority if this area is taken in charge.

Reason: In the interest of nature conservation.

21. (a) Prior to commencement of development, all trees, groups of trees,

hedging and shrubs which are to be retained, particularly those adjoining the western boundary of the site shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) to be retained, particularly at the western boundary, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees or hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

- 22. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.

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

23. Following the installation of the outfall pipes in the estuary, a monitoring plan of Annex 1 habitat qualifying interest habitat 'Mudflats and sandflats not covered by seawater at low tide [1140]' of the Slaney River Valley Special Area of Conservation (Site Code: 000781) shall commence and shall be undertaken by a suitably qualified ecologist over a period of two years, the cost of which shall be borne by the developer. Data collected shall be in the correct format for utilisation by the National Parks and Wildlife Service for updating the Natura 2000 form for the Slaney River Valley Special Area of Conservation (Site Code: 000781) in relation to estuaries and mudflats and sandflats not covered by low tide as relevant, and for Article 17 reporting.

Reason: In the interest of nature conservation and to inform national monitoring of Annex I Habitats.

24. To address the issues of noise for residential units proximate to the railway line, the mitigation measures as set out in Section 9.6.2.3.- Inward Noise Impacts, of the Environmental Impact Assessment Report, shall be complied with.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect residential amenities.

25. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these

facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

- 26. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

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

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

- 27. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction

phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

28. The construction of the development shall be managed in accordance with a Construction Management Plan, generally in accordance with the commitments as set out in the Environmental Impact Assessment Report, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The Construction Management Plan shall include specific proposals as to how the Construction Management Plan will be implemented effectively, and prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including inter alia:
- (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 tree protection measures;
 - (e) Details of on-site car parking facilities for site workers during the course of construction;
 - (f) 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; the proposed construction access via Faythe Harriers Hurling and GAA Club shall be utilised only for the construction of the bridge over the railway line and the access road into the site. All other construction access shall be over the new bridge when complete. Deviations from this arrangement may be facilitated, subject to prior written agreement with the planning authority.

- (g) Measures to obviate queuing of construction traffic on the adjoining road network;
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (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.

29. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 residential amenities of property in the vicinity.

30. Prior to commencement of development, the developer 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.

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

Reason: In the interest of public health.

32. The developer shall appoint a person with appropriate archaeological and underwater/maritime archaeological expertise to ensure that the mitigation measures identified in the Environmental Impact Assessment Report are implemented in full.

Reason: In the interest of clarity and to protect the archaeological environment during the construction and operational phases of the proposed development.

33. 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.

34. 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: 01/12/2020

Michelle Fagan