

An
Bord
Pleanála

Board Direction
BD-009605-21
ABP-311181-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/12/2021.

The Board decided to make a split decision, to

- (1) refuse permission for proposed Block A and Block B, for the reasons and considerations marked (1) below

and

- (2) grant permission, the remainder of the development, as proposed, in accordance with the said plans and particulars based on the reasons and considerations marked (2) and subject to the conditions set out below

generally, in accordance with the Inspector's recommendation.

Reasons and Considerations (1)

1. Having regard to the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing Planning and Local Government in December 2018, it is considered that the proposed Blocks A and B by reason of poor design in terms of façade treatment and architectural expression, in combination with their disposition on the site, would not constitute an adequate design response to the context and the opportunity presented on this coastal urban site, and would not, therefore, be in accordance with the criteria set out under section 3.2 of the Urban

Development and Building Heights Guidelines for Planning Authorities 2018 and would not be in accordance with the proper planning and sustainable development of the area.

Reasons and Considerations (2)

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

- (a) The policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and Bray Municipal District Local Area Plan 2018-2024,
- (b) The Rebuilding Ireland Action Plan for Housing and Homelessness, 2016, and Housing for All – A New Housing Plan for Ireland, 2021,
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (d) 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
- (e) 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,
- (f) 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 December 2020,
- (g) Architectural Heritage Protection – Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,

- (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 availability in the area of a range of social, community and transport infrastructure,
- (k) The pattern of existing and permitted development in the area,
- (l) The planning history of the site and within the area,
- (m) The submissions and observations received,
- (n) The report of the Chief Executive of Dun Laoghaire Rathdown County Council,
- (o) The report of the Chief Executive of Wicklow 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, and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and 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 on European Site No. 003000 (Rockabill to Dalkey SAC), which is a European site 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 on European Site No. 003000 (Rockabill to Dalkey SAC), in view of the site's 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 site, having regard to the site's 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 the European site in view of the site's 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, 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;

(d) The Inspector's report;

The Board agreed with the summary of the results of consultations and information received 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 Environmental Management Plan is the overarching general mitigation embedded in the project design and delivery for the construction stage. In addition, plans relating to Waste 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 stock in the town that would result from the development.
- **Traffic and Transport:** Potential for moderate short term impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the

immediate area and any potential impact will be mitigated by way of design and implementation of the Car Parking and Mobility Management Strategy for the development.

- Neutral or negative impacts on **Landscape and Visual** from proposed Block A and Block B due to its elevational design and materiality which will not be avoided, mitigated or otherwise addressed by means of condition; impacts from the remainder of the development will be positive and permanent due to provision of a quality streetscape; provision of quality, public open space and high quality landscaping proposals.
- **Biodiversity Impacts:** Significant direct local impacts on existing flora and fauna will be mitigated by a range of measures identified in the EIAR, including construction management measures, protection of trees to be retained, landscaping, measures in relation to bats and birds, and the use of bat and bird boxes. The proposed development would not have a significant negative impact on biodiversity.
- Potential effects arising from **noise** and **vibration** during construction which will be mitigated by appropriate management measures.
- Potential impacts on **water**, which are proposed to be mitigated by construction management measures and implementation of SUDS measures. 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. The EIAR also adequately addresses the potential for 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 on **air quality and climate**, which will be mitigated by measures set out in the EIAR, including a dust management plan including a monitoring programme.

- The proposed development is not likely to have significant adverse effects on **human health or cultural heritage**.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this urban location, would not seriously injure the residential or visual amenities of the area, 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. 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 submitted with this application, including in the Environmental Impact Assessment Report, as set out in Chapter 15 of the EIAR 'Schedule of Environmental Commitments', and in the Natura Impact Statement, as set out in Chapter 6 'Mitigation Measures', 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. 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 as set out in the Natura Impact Statement, the EIAR, 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 the environment.

4. Prior to commencement of any works on site, revised details shall be submitted with regard to the following:
 - (a) Privacy screens, including height and materials, to the roof terraces on Block D.
 - (b) Full details of proposed green roofs.
 - (c) A revised site layout plan indicating a 1.5m privacy strip to all ground floor apartments, in accordance with the advice at section 3.41 of the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government, 2020.
 - (d) Car parking spaces at 'The Orchard' car park shall be omitted and in its place an area of open space shall be delivered, with design and boundary details to be agreed, and access maintained for maintenance vehicles servicing the wastewater infrastructure.

- (e) Revised plans and particulars in relation to boundary treatments, including details in relation to northern boundary and retention of trees/planting at this location in addition to protection of water conveyance routes at this location. The proposed 2.4m high block wall along the eastern boundary to the eastern open space adjoining the railway line shall be omitted and in its place proposals for a revised boundary treatment of a high quality and permeable finish shall be submitted to the relevant planning authorities for written agreement. Details in relation to a construction methodology shall be submitted to ensure retention of northeastern hedgerow and additional planting along the entire boundary.
- (f) The north-south path along the eastern boundary of the site shall be redesigned as a shared footpath and cycleway, with a minimum width of 3m, and details submitted in relation to the tie-in with the street to the south at the railway underpass and connection to the two pedestrian access points in the northern boundary.
- (g) Revised pedestrian route through the open space to the front of Block C to support a direct and safe route for pedestrians/cyclists travelling from the west to the railway underpass to the east.
- (h) The area identified for use as 'Phase 3 site compound' shall not be utilised as a construction compound or utilised for construction equipment, machinery or materials at any stage during the construction works.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the relevant 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 interests of proper planning and sustainable development and to safeguard the amenities of the area.

5. The developer shall provide the following to the relevant planning authority for its written agreement prior to the commencement of any clearance or development works on site:
 - (a) Modified proposals for landscaping to incorporate increased planting of semi-mature trees to thicken up and improve the screening capacity of the tree line on the northern boundary of the development site to minimise light spillage from the proposed development and increased planting of shrub species, in particular furze in the 'Coastal Gardens' adjacent to the railway to provide cover for the movement of mammals including badgers through this area and habitat suitable for the stonechat.
 - (b) During the construction phase, the developer shall adhere to the 'Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes', published by the National Roads Authority in 2006. In particular, there shall be no blasting or pile driving within 150 metres of an active badger sett during the breeding season (December to June) or construction works within 50 metres of such an active sett during the breeding season.
 - (c) A bat conservation plan to survey existing bat roosts identified in two oak trees near the old Bray Golf Club clubhouse, and measures to avoid injury to bats during site works. If a bat roost is to be removed on site, a licence from the National Parks and Wildlife Service to derogate from the Habitats Directive to destroy the bat roost is required.
 - (d) Details of the locations and designs of bat boxes and bat tubes to be installed in the proposed development.
 - (e) Details of a lighting scheme for the proposed development which shall be designed in accordance with guidance contained in Institution of Lighting Professionals (ILP). (2018), Guidance Note

08/18: Bats and artificial lighting in the UK, and signed off on by a bat specialist before submission to the planning authority for its written agreement.

- (f) Any clearance of vegetation from the development site shall only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.

Reason: To provide for the conservation of species of fauna protected under the Habitats Directive (92/43/EEC) and the Wildlife Acts (1976 to 2018) and to provide for the conservation of bat species afforded a regime of strict protection under the Habitats Directive (92/43/EEC).

- 6. Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the relevant planning authority that a childcare facility is not needed (at this time).

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

- 7. The carrying out of the development shall be phased and, before any part of the development commences, (or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing), a development programme, including inter alia a detailed comprehensive site layout, showing all proposed phases, shall be submitted to and agreed in writing with Wicklow County Council planning authority.

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

- 8. Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes, including pavement finishes and bicycle stands, shall be submitted to, and agreed in writing with, the relevant planning authority prior to commencement of development. The render finish to external elevations of Block C and

Block D shall be replaced with an alternative durable, high quality material/finish.

Reason: In the interest of visual amenity.

9. Details of all external shopfronts, lighting, signage and internal security shuttering shall be as submitted to, and agreed in writing with, the relevant planning authority prior to occupation of the commercial/retail units. No external security shutters shall be erected for any of the commercial premises unless authorised by a further grant of planning permission.

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

10. Details of the proposed signage to the childcare facility to be submitted prior to occupation for the written agreement of the planning authority. The proposed childcare facility shall be provided and retained as part of the development with access provided to both residents of the development and the wider community on a first come first served basis.

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

11. 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.

12. No additional development shall take place above roof parapet level of the apartment buildings, 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, and to allow the planning authority to assess the impact of any such development through the planning process.

13. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the relevant 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.

14. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the relevant planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

15. 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.

16.
 - (a) Details of the bicycle parking space location, layout, access to the undercroft parking, storage arrangement for bicycles, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.
 - (b) Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, and in the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric bicycles.

17. Revised drawings and details demonstrating that all items raised in the submitted Stage 1 Quality Audit (dated June 2021) have been adequately addressed shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development.

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

18. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the relevant planning authority and all measures recommended by the Auditor shall be undertaken unless the relevant planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development.

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

19. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, vehicular entrances and undercroft car park shall be in accordance with the detailed construction standards of the relevant planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. In this regard the following shall be submitted for the

written agreement of the relevant planning authority prior to the commencement of development:

- (a) Details in relation to the design of the street connecting into the junction with the railway underpass and tie-ins to the path along the eastern boundary north of the underpass.
- (b) Two additional car sharing spaces shall be reserved for communal car sharing use on the southern portion of the application site.
- (c) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, with the exception of the car share spaces, unless the subject of a separate grant of planning permission.
- (d) Prior to the occupation of the development, a Car and Cycle Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the relevant planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how car park spaces shall be continually managed.
- (e) Provision for cyclists shall comply with latest National Cycle Manual and Design Manual for Urban Roads Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.
- (f) A design solution for the proposed pedestrian connections at the northern boundary of the site linking into Corke Abbey Valley Park shall be submitted for the written agreement of DLRCC planning department prior to the commencement of development. These cycle/pedestrian connections shall connect into existing paths in Corke Abbey Valley Park and shall be delivered prior to the occupation of the development.

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

20. A minimum of 10% of all car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points 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.

21. Prior to the opening or occupation of the development, a Mobility Management Strategy 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, occupants and staff employed in the development and to reduce and regulate the extent of parking. 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.

22. Drainage arrangements, including the attenuation and disposal of surface water, including where it relates to the DART underpass, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development the developer shall submit to the relevant planning authority for written agreement a Stage 2 -- Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no

misconnections or damage to stormwater 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.

23. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

24. A revised comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) Additional planting of semi-mature trees along the northern boundary of the site.
- (b) Increased planting of shrub species and furze in the 'Coastal Gardens' adjacent to the railway and review of wildflowers proposed at this location.
- (c) Details of all proposed finishes at Market Square and revised pedestrian route through Market Square to support a direct route for pedestrians/cyclists travelling from the west to the railway underpass to the east.
- (d) Detail planting plan for proposed open space to the southeast, which shall incorporate a grasscrete/gravel path of sufficient width to support the alignment of the emergency access route through this space.
- (e) Boundary treatment and planting plan at the proposed open space to the southeast shall facilitate the improvement of the existing pedestrian/cyclepath along the boundary at this location, including option of increasing the width of the existing path, where required by the planning authority.

- (f) Details in relation to access route from MUGA to the boundary with the school site to ensure design enables access for all.
- (g) Details in relation to the interface of site services and trees to be retained.
- (h) Details in relation to public furniture/benches;
- (i) Details in relation to layout and design of play facilities and equipment;
- (j) Proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures;
- (k) Details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, 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 boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of amenity, ecology and sustainable development.

25. a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained 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 and hedgerows 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) proposed to be retained, as submitted with the application, 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 which are to be retained on the site, unless by prior agreement with a specialist arborist.

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

26. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

27. The linear earthwork (identified as Recorded Monument WI004-005 linear earthwork and DU026-124 linear earthwork), referred to locally as the 'Nun's Walk', shall be incorporated in some regard into the design of the proposed development from the western to the eastern boundary. Details of any interpretation and/or presentation of this historic feature within the development shall be provided and agreed in advance with the relevant planning authority in consultation with the National Monuments Service in advance of any site development works.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site to be retained and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with

others of similar size and species. 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 secure the protection of the trees on the site.

29. 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 shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

30. 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.

31. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the relevant Planning Authority

prior to commencement of development. This CEMP shall incorporate the following details:

- (a) measures set out in the NIS, EIAR, Outline CEMP and Construction Management Plan supporting this application to avoid any pollution through surface water runoff or accidental discharges during the construction of the proposed development reaching the River Dargle and the coastal waters in the vicinity of Bray Harbour.
- (b) intended construction practice for the development
- (c) location of all construction compounds with no compound or construction equipment permitted to be placed on lands within Flood Zone A or Flood Zone B;
- (d) the railway underpass link for pedestrian and cycle use shall be open for the use of the public during the construction phase. The CEMP shall detail how this will be achieved.
- (e) a detailed traffic management plan;
- (f) hours of working;
- (g) noise management measures and
- (h) off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

32. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

33. 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 the commencement of development.

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

34. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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

35. 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.

36. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 of the development.

37. 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:


Michelle Fagan

Date: 08/12/2021

