

**An
Bord
Pleanála**

**Board Direction
BD-010463-22
ABP-312003-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/04/2022.

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 Dublin City Development Plan 2016-2022;
- b) The policies and objectives of the Clongriffin Belmayne Local Area Plan 2012, as extended;
- c) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, issued by the Department of Housing, Planning, Community and Local Government in July 2016;
- e) The provisions of Housing for All – A New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021;
- f) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;

- g) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- h) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2020;
- i) The provisions of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009), issued by the Department of Environment, Heritage and Local Government in May 2009;
- j) The provisions of the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- k) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Department of Environment, Heritage and Local Government in 2009;
- l) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- m) The pattern of existing and permitted development in the area;
- n) The provisions of Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development that materially contravenes a Development Plan or a Local Area Plan;
- o) The submissions and observations received;
- p) The Chief Executive's report from the Planning Authority;
- q) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on 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 and observations on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report and application documentation and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and considered that, by itself or in combination with other development, plans and projects 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, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed, in compliance with section 172 of the Planning and Development Act 2000, as amended, 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 applicant, the Planning Authority, the observers, and the prescribed bodies in the course of the application; and;
- d) The Planning Inspector's report;

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and the

associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- direct positive impacts with regard to population and material assets, due to the substantive increase in the housing stock during operational phases;
- direct negative effects on biodiversity as a result of lighting to the proposed development impacting on foraging / feeding bats, which would be mitigated by the external lighting specifications proposed;
- direct negative effects on soil during construction, which would be mitigated by the reuse of some materials on site and the implementation of measures to control emissions of sediment to water and dust to air;
- direct negative effects arising from noise and vibration during construction phases, which would be mitigated by a suite of appropriate construction phase management measures and building design specifications for the proposed apartments;
- direct negative effects on air during construction, which would be mitigated by a dust management plan, including a monitoring programme;
- indirect negative effects on water, which would be mitigated during the construction phase by management measures to control the emissions of sediment to water and mitigation during the operational phase by the proposed system for surface water management and the extent of attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system;
- direct positive effects on the cityscape, as the proposed development would complete the Parkside urban development cell envisaged in the Belmayne Clongriffin Local Area Plan 2012 (as extended) and the improved amenity of the land through the provision of dedicated public open spaces, including a public plaza and completed public greenway.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the

mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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 quantum and density of development in this accessible urban location, 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 scale of development, would be acceptable in terms of impacts on traffic and pedestrian safety and convenience, and would provide an acceptable form of residential amenity for future occupants.

The Board considered that with the exception of residential density and unit numbers, building heights, unit mix and units per core, the proposed development would be compliant with Clongriffin Belmayne Local Area Plan 2012, as extended, and the Dublin City Development Plan 2016-2022, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, it would materially contravene the Dublin City Development Plan 2016-2022 in relation to building heights, unit mix and units per core and it would materially contravene the Clongriffin Belmayne Local Area Plan 2012, as extended, in relation to residential density and unit numbers, as well as building heights. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission, in material contravention of the Clongriffin Belmayne Local Area Plan 2012, as extended, and Dublin City Development Plan 2016-2022, would be justified for the following reasons and consideration:

- the proposed development is considered to be of strategic and national importance given its potential as a site located within the Clongriffin-

Belmayne area designated as 'Strategic Development and Regeneration Area 1 - North Fringe' in the Dublin City Development Plan 2016-2022 and its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland - Action Plan for Housing and Homelessness' (2016). Furthermore, the location of the application site within a Strategic Development and Regeneration Area, in itself refers to the strategic importance of the site, which elevates it above other zoned lands contained in the Development Plan. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the building height, residential density and unit number provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, and the material contravention of the building heights, unit mix and units per core provisions of the Dublin City Development Plan 2016-2022;

- it is considered that permission for the proposed development should be granted having regard to objectives of the Dublin City Development Plan 2016-2022 conflicting with those of the Clongriffin Belmayne Local Area Plan 2012, as extended, with respect to building heights. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(ii) are applicable with respect to the material contravention of the building height provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, and the Dublin City Development Plan 2016-2022;
- it is considered that permission for the proposed development should be granted having regard to Government policies, as set out in the National Planning Framework, in particular national policy objectives 13 and 35, provisions set out in the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, the Urban Development and Building Heights Guidelines for Planning Authorities (2018), in particular Specific Planning Policy Requirement 3(a), and the Sustainable Urban Housing: Design Standards for New

Apartments, in particular Specific Planning Policy Requirements 1 and 6. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(iii) are applicable with respect to the material contravention of the building height, residential density and unit number provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, the material contravention of the building height provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, and the material contravention of the building height, unit mix and units per core provisions of the Dublin City Development Plan 2016-2022;

- it is considered that permission for the proposed development should be granted having regard to recent neighbouring permissions in the area, including the pattern of residential density and unit numbers, building heights and unit mix granted permission under An Bord Pleanála references 310077-21 and 305623-19. The proposed development is to an extent, continuing on the pattern of development granted in those permissions. Accordingly, the provisions set out under section 37(2)(b)(iv) are applicable with respect to the material contravention of the building height, residential density and unit number provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, and the material contravention of the building height and unit mix provisions of the Dublin City Development Plan 2016-2022.

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. Revised details shall be submitted with regard to the following:
 - (a) revised materials shall be provided for the internal courtyard elevations and all ancillary structures, including bin/bike stores and electricity substations, omitting the use of render finishes;
 - (b) revised landscape layout to provide planting to privacy strips forming defensible space to all ground-floor windows and terraces, including spaces fronting bedroom 2 of apartment 372 in block 3, bedroom 2 of apartment 269 in block 2 and apartment 200 in block 2, or revised entrance details to apartment blocks to provide projecting screen walls;
 - (c) additional terraces onto the communal open space serving units 259 and 260 in block 2 or repositioning of the front terraces onto the rear communal open space with revised internal layouts and openings;
 - (d) clarification of the provision and position of the balconies serving units 207 and 208 in block 2;
 - (e) provision of opaque glazing in the north-facing windows only serving the upper-floor to block 3 apartments 386, 387, 388, 399, 410, 411, 423 and 422;
 - (f) provision of 1.8m-high privacy screens to the east side of the respective balconies serving apartments 442, 445, 449, 453 and 457 of block 3 and the provision of opaque glazing to the east-facing windows serving these apartments and/or the provision of a replacement south-facing window to each apartment with revised internal layouts;

- (g) provision of electric-charge bicycle spaces and cycle repair area to basement level and the provision of non-standard (cargo) secure and convenient cycle parking spaces to serve the retail unit.

Revised drawings showing compliance with these requirements shall be submitted to, and 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 interests of clarity, visual and residential amenity and promoting sustainable transport.

- 3. The mitigation and monitoring measures outlined in chapter 16 of the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

- 4. The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The phasing scheme shall identify how vehicular access, as well as a sufficient quantum of car and cycle parking spaces to serve residents, occupants and visitors for each phase of the development, would be provided throughout the construction phases of the development, as well as all services, including surface water drainage and external lighting.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants and residents of the proposed units and the satisfactory completion of the overall development.

- 5. 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 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.

6. The following requirements shall apply to the proposed retail unit and childcare facility:

a) Prior to the occupation of the retail unit and childcare facility, finalised service details, as well as details of any proposed signage to be applied to the elevations of the respective buildings, including details of the materials, colour, lettering and depth of the signage, shall first be submitted to and agreed in writing with the Planning Authority.

b) The glazing to the retail unit shall be kept free of all stickers, posters and advertisements.

c) Prior to the occupation of the retail unit, the area for the sale or display of alcohol products and the area for the café / deli, shall first be submitted to and agreed in writing with the Planning Authority.

d) Permission is for an ancillary café use to the proposed convenience retail unit, where no hot food preparation on the premises is permitted. Any change to this arrangement shall be subject to a separate grant of planning permission.

Reason: In the interest of clarity, visual amenity and the proper planning and orderly development of the area.

7. Proposals for a development name 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.

8. 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 the Design Manual for Urban roads and Streets. All findings of the submitted Quality Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority and a consistent raised footpath shall be provided at all of the basement entrance ramps, as well as the provision of wheel stops to perpendicular surface-level car parking spaces.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Residential car parking spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the 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 parking shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed development.

10. Prior to the commencement of any duplex unit in blocks A and B of the development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority and such agreement

must specify the number and location of each duplex unit, pursuant to Section 47 of the Planning and Development Act 2000, as amended, which restricts the 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.

11. Prior to the occupation of the development, a Mobility Management Plan (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents 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.

12.
 - (a) A minimum of 10% of all car parking spaces should be provided with electric vehicle (EV) charging stations/points, at least one of which should serve a car club / car share space, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date.
 - (b) charging facilities shall be provided for cycle parking and proposals shall be submitted to 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.

13. 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. Basement ventilation shall not be positioned adjacent to apartment terraces.

Reason: In the interests of residential amenity.

14. 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 visual amenities of the area.

15. 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.

16. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, including drainage compliance conditions of the previous permission under Dublin City Council reference 2941/14.

- b) 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.
- c) 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.
- d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

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

17. Public lighting shall be provided in accordance with a scheme, which shall include lighting for play areas, the public plaza and the pedestrian / cycle routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the development phasing arrangements and the existing and permitted public lighting in the surrounding area and the requirements of the Bat Assessment submitted. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

18. 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.

Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

19. Prior to the commencement of development on site, the following landscaping, open space and ecology details shall be submitted to and agreed in writing with the planning authority:
- a) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, including the Landscape Report, which accompanied the application, unless otherwise agreed in writing with the planning authority.
 - b) Details of hard landscaping materials, including materials for the public plaza.
 - c) Further details of the play spaces and associated features assigned for children of all ages.
 - d) A public artwork feature shall be provided as an enhancement to the public plaza.
 - e) A report clarifying the status or absence of invasive species on the site and method to address same should invasive species be found to be present.
 - f) Details of landscaping measures to address impacts on foraging / feeding bats.

Reason: In the interest of the environment, local and visual amenities, and to accord with the requirements of the Clongriffin Belmayne Local Area Plan 2012, as extended.

20. 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.

21. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access roads, 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) A map delineating those areas to be taken in charge by the Local Authority and details of the legally constituted management company contract, and drawings/particulars describing the parts of the development for which the legally constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

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

22. (a) 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 and for the ongoing operation of these facilities for each apartment and non-residential 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 include details of the locations and designs for bin marshalling areas serving the development.

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

23. 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 and shall undertake a pre- and post-construction survey for potential burial grounds on site.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site and surrounding area,
- (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 and protection of any archaeological remains that may exist within the site.

24. 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.

25. The construction of the development shall be managed in accordance with a Construction Environmental 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 the intended phased construction practice for the development, including:
- a) Location of the site and materials compound(s), including areas 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, cyclists 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 measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) 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;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority;

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

26. 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 proposals have been submitted and agreed in writing with the Planning Authority.

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

27. 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.

28. 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

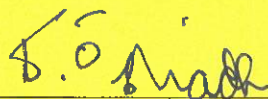
amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

29. 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



Terry Ó Niadh

Date: 07/04/2022

