



An
Bord
Pleanála

Board Direction
BD-011904-23
ABP-312271-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/03/2023. This followed an earlier meeting held on 06/03/2020.

At the meeting held on 14/03/2023, 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 location of the site in an established urban area, with the zoning objectives for the site allowing for residential development;
- (b) the policies and objectives as set out in the Fingal Development Plan 2017-2023, including variations;
- (c) the provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (d) the provisions of Project Ireland 2040 National Planning Framework which identifies the importance of compact growth;
- (e) the provisions of the Dublin Metropolitan Area Strategic Plan, part of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (f) the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice

Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- (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 2022;
- (i) 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 the Environment, Community and Local Government in March 2019, as amended;
- (j) the provisions of 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;
- (k) 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;
- (l) the pattern of existing and permitted development in the area;
- (m) the submissions and observations received;
- (n) the Chief Executive's Report received from Fingal County Council; and
- (o) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have effects 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 an environmental impact assessment of the proposed development, taking into account:

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

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation including environmental conditions 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 proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. 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 relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

Population and human health - positive impacts in relation to the provision of new homes, increased economic activity and with the provision of new public open space. Mitigation has been incorporated into the design, which includes measures to reduce noise impacts on existing noise sensitive locations, including the application of measures in a Construction and Environmental Management Plan during construction, will also reduce impact upon human health. Measures to reduce external noise impacts on future occupiers, including acoustic glazing and passive vents, are also proposed which will reduce impacts upon human health. The Board is

satisfied, therefore, that residual impacts on population and human health will not be significant.

Biodiversity - there may be temporary negative impacts on biodiversity at the initial phases of development, as a result of removal of some habitats, although these impacts will not be significant. The Board is satisfied that, as the proposed landscaping matures, and with mitigation in place, including the retention of trees and hedgerows and the provision of large areas landscaped, as well as the provision of bat and bird boxes, and appropriate lighting design, these impacts will be rendered negligible.

Land, Soils, Geology, Hydrogeology and Hydrology - with the implementation of mitigation through management measures in the Construction and Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters as set out in the Site Specific Flood Risk Assessment and the Infrastructure Design Report, no significant negative impacts are envisaged.

Air Quality and Climate - with the implementation of mitigation through management measures in the Construction and Environmental Management Plan and the Construction Air Quality Management and Monitoring Plan, no significant negative impacts are envisaged.

Noise and vibration - during the construction phase, negative impacts will be mitigated through measures in the Construction and Environmental Management Plan. During the operational phase, sound insulation will be incorporated into the buildings. With mitigation in place, impacts will not be significant.

Landscape and Visual - during the construction phase, negative impacts will be mitigated through measures in the Construction and Environmental Management Plan including avoidance of root protection areas where trees and hedgerows are to be retained, and visual screening of the works. During operational phase, proposed landscaping, including replacement tree planting, and the use of high quality materials and the overall design quality of the proposed development will serve to mitigate any negative impacts on features of landscape value and on the visual environment.

Cultural Heritage, Archaeology and Architectural Heritage - no significant permanent adverse impacts upon Cultural Heritage, Archaeology and Architectural Heritage are anticipated, with the application of mitigation measures.

Microclimate - Daylight and Sunlight - No predicted negative impacts were expected in relation to daylight and sunlight and no mitigation was therefore required.

Traffic and Transportation - Mitigation measures described in the Construction and Environmental Management Plan are intended to prevent significant impacts during construction. During the operational phase, it is indicated that Junction 5 – the 'R121 Road and Cherryhound-Tyrrelstown Link Road and The Avenue Roundabout' is slightly over capacity during the 2038 Design Year AM Peak. However, this impact is not significant, and in the 'no development scenario' this junction is close to capacity in any case. The mitigation measures set out in the Mobility Management Plan, which aim to reduce reliance on private car and to promote sustainable transport options, should serve to reduce future impacts on this, and other junctions. In addition, the provision of high quality pedestrian and bicycle links, as well as safe and convenient bicycle parking, as proposed under this application, should also reduce the demand for private car use. The Board is, therefore, satisfied that no significant residual impacts on the road network will result at operational stage of the development.

Waste - At construction stage, mitigation is proposed in the form of adherence to the 'Resource and Construction Waste Management Plan' as well as other measures. At operational phase, measures include, but are not limited to, adherence to a Site Specific Operational Waste Management Plan (as contained in outline form in Appendix 17.2 of the Environmental Impact Assessment Report). The Board is, therefore, satisfied that no significant residual impacts will result from waste generated by the development, either at construction phase or operational phase.

Services - The proposed development will improve permeability through the site and for the wider area, resulting in moderate, positive long term impacts. No significant impacts on services will result from the development, either at construction or operational phases and no mitigation is required.

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, appropriate for its location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height, scale, mass, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In coming to this conclusion, specific regard was had to the Chief Executive's Report from the planning authority in particular, the recommended reason for refusal, which relates to non-compliance with Specific Local Objective 72 of the Fingal Development Plan relating to the provision of a recreational facility for the Dublin Gaelic Athletic Association County Board. In relation to same, the Board was of the view that the provision of Gaelic Athletic Association facilities, at an alternative location than that specified on Map 12 of the Fingal County Development Plan 2017-2023, was acceptable having regard to the quantum of land provided by the applicant, the location and accessibility of the proposed alternative location to the strategic housing development site, the recreational facilities that are proposed at this alternative location, as well as having regard to open space zoning of this alternative location.

The Board was of the view that the height, scale and mass of the development would not have an unacceptable impact, at a maximum of five storeys in height on the Local Centre Site. The Board concluded that the development would not result in undue overlooking of adjacent sites or within the proposed development itself and would represent an acceptable standard of quality for the proposed accommodation,

with a height, scale and mass that would have an acceptable visual and landscape impact. The Board also concluded that the proposed development was acceptable in all other respects.

In noting the Inspector's view that the proposed Strategic Housing Development would materially contravene Specific Local Objective 72 of the Fingal County Development Plan 2017-2023 to 'Provide a recreational facility for the Dublin Gaelic Athletic Association County Board, through the provision by them of a 2.5 hectare playing pitch and local recreational community facility including a clubhouse, related ancillary facilities and car and bicycle parking', the Board did not share this view or agree with the Inspector with respect to that element of the assessment.

The Board noted that a recreational facility for the Dublin Gaelic Athletic Association is intended to be provided on a 9.7 hectare site to the north of the proposed Strategic Housing Development site, shown in the application documentation as being lands that have been transferred from the applicant to Dublin Gaelic Athletic Association. Furthermore, this facility on a larger site that are within open space zoned lands allows for the re-use and repurposing of the former Hollystown Golf Club has the benefit of planning permission as granted by Fingal County Council under Planning Register Reference FW22A/0098. The Board considered that the recreational facility for the Gaelic Athletic Association is, therefore, realistically deliverable and accordingly, Specific Local Objective 72 is capable of being realised at an alternative location proximate to and connected with the specific location shown on Map 12 of the Fingal Development Plan. The Board, therefore, considered that the development proposed is consistent with Specific Local Objective 72 and does not give rise to a material contravention.

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 and the development shall be carried out and completed in

accordance with the agreed particulars. In default of agreement, such issues may 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 submitted with this application as set out in Chapter 21 of the Environmental Impact Assessment Report 'Mitigation Measures and Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

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

4. Each of the residential units on Sites 2 and 3 shall be used as a single dwelling unit and shall not be used for multiple occupancy living units and non-residential uses, included development specified in Article 10(5) of the Planning and Development Regulations 2001, as amended, in respect of childminding, except where otherwise permitted by way of a separate grant of planning permission.

Reason: In the interests of clarity and to ensure proper planning and sustainable development and in the interest of public safety.

5. Each apartment unit on the land subject to the Local Centre zoning objective in the Fingal County Development Plan 2017-2023 shall be used as a single dwelling unit and shall not be used for multiple occupancy living units and non-residential uses, except where otherwise permitted by a separate grant of planning permission.

Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

6. Prior to commencement of the development a phasing plan shall be submitted for the written agreement of the planning authority in which the childcare facilities, open space and permeability links to adjoining lands are delivered in conjunction with housing.

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

7. The following requirements in terms of traffic, transportation and mobility, and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, shall be incorporated, and where required 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:
 - (a) The proposed vehicle access road from Ratoath Road linking the adjoining lands to the north shall be relocated or omitted and a separate access to the lands to the north provided from the Ratoath Road that does not cause conflict with the pedestrian and bicycle shared space.
 - (b) The internal road, pedestrian, bicycle network serving the proposed development, including the toucan and zebra crossings, turning bays, footpaths and kerbs, and the underground car park 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 (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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
 - (c) The pedestrian and bicycle link to the west of the development shall be a minimum 3.0 metres wide two-way bicycle track and 2.0 metre footpath.

- (d) Where pedestrian and bicycle facilities cross entrances and junctions on The Avenue and the Local Centre Link Roads, they shall be designed so that the pedestrian and bicycle paths continue through the junctions with priority, in accordance with the designs of the National Transport Authority Cycle Manual.
- (e) All locations where pedestrian and bicycle connections interface with roads and the back of footpaths shall have stainless steel bollards placed to prevent vehicles from entering the pedestrian and bicycle networks at these points. Provision for access for maintenance vehicles shall be accommodated in the design and construction of the links.
- (f) All transport infrastructure and finishes shall comply with Fingal County Council's Standards for Taking in Charge.
- (g) The existing stone entrance pier to The Green shall be either set-back or cut back to avoid the kink in the pedestrian and bicycle facilities on Church Road (R121).
- (h) Road Safety Audits shall be carried out as part of the proposed development at the relevant stages as outlined in the current edition of Transportation Infrastructure Ireland Guidelines GE-STY-1027.

Reason: In the interests of orderly development, traffic safety and to provide a satisfactory standard of development.

- 8. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Residential 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 the car park shall be continually managed.

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

9. A minimum of 10% of all car parking spaces should be provided with 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 or points has not been submitted with the application, in accordance with the above noted requirements, the developer shall submit such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and or future proof the development such as would facilitate the use of electric vehicles.

10. Proposals for the development name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, 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 and 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 interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. The management and maintenance of the proposed apartment development on the Local Centre Site, following its completion, shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard

shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

12. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application unless otherwise agreed in writing with the planning authority 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.

13. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be 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. A piece of public art or sculpture or architectural feature should also be incorporated, the location of which shall be agreed with the planning authority in writing. 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.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. (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 which are to be retained have been protected by this fencing. No work is 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 trees, 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, shrubs and 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.

- 15. 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 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.

16. Prior to the commencement of works on site the applicant shall submitted a revised landscape plan and associated plans and particulars to be agreed in writing with the planning authority. The plan shall be prepared by a suitably qualified landscape architect and shall include:
- (a) 1.5 metre high buff top railing, 20 millimetre diameter solid bar, hot dipped galvanised and powder coated black, with anti-vandal fixings around the perimeter of the Class 1 - Open space.
 - (b) 1.5 metre treated timber post and rail fence with hree horizontal rails and panel mesh along the western boundary.
 - (c) Details and specification of four new pedestrian bridges.
 - (d) Plant densities, numbers, form, size and specification.
 - (e) All detention basins with a 1:5 gradient.
 - (f) Details of play equipment in accordance with the requirements of Fingal County Council.

The revised landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.

17. 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. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

18. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

19. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

20. 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 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 interests of residential amenity, and to ensure the provision of adequate refuse storage.

21. 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.

22. The construction of the development shall be managed in accordance with a Final Construction and 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 inter alia: details of proposals as relates to soil importation and exportation to and from the site;

details and location of proposed construction compounds, details of intended construction practice for the development, including noise and vibration management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction and demolition waste and or by-products.

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

23. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

24. 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.

25. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. 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.

26. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

Reason: To comply with the planning authority's taking in charge standards.

27. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

28. All of the permitted house or duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect. Such an agreement must specify the number and location of each house or duplex unit.

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.

29. 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.

30. 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.

31. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure, open space 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

Patricia Callear
Patricia Callear

Date: 14/03/2023