

An  
Coimisiún  
Pleanála

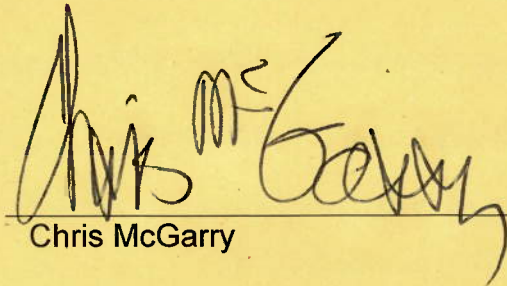
**Direction**  
**CD-022181-26**  
**ACP-324043-26**

The submissions on this file and the Inspector's report were considered at a meeting held on 14/05/2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

**Planning**

**Commissioner:**

  
Chris McGarry

**Date:** 14/05/2026

### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
- (b) the policies and objectives set out in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, including the location of the site on lands subject to Zoning Objective 'A' and the permitted uses therein,
- (c) Housing for All, A New Housing Plan for Ireland, 2021,
- (d) the National Biodiversity Plan 2023-2030,
- (e) the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024),
- (f) the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2025),
- (g) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018),
- (h) the Design Manual for Urban Roads and Streets (2013, updated 2019),
- (i) the Childcare Facilities Guidelines for Planning Authorities (2001),
- (j) the Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021, updated 2023),
- (k) the Development Management Guidelines for Planning Authorities (2007),
- (l) the nature, scale, and design of the proposed development,
- (m) the highly accessible location of the site in proximity to Blackrock Village and associated availability of a range of commercial, social and community facilities and which is served by high-quality public transport infrastructure,
- (n) the townscape character and established pattern of existing and permitted development in the area,
- (o) the underutilised nature of the site and its previous planning history,
- (p) the reports of the planning authority,
- (q) the submissions received by the planning authority from observers and prescribed bodies,

- (r) the grounds of the appeals,
- (s) the response to the grounds of the appeals by the applicant, and
- (t) the report and recommendation of the Planning Inspector, including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment, Environmental Impact Assessment.

#### **Appropriate Assessment Screening:**

The Commission completed an Appropriate Assessment screening exercise (Stage 1) 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, the distances to the nearest European Sites and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the planning application and the appeal, and the Planning Inspector's report. In completing the screening exercise, the Commission adopted the report of the Planning Inspector and concluded 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 an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

#### **Environmental Impact Assessment Screening:**

The Commission completed an Environmental Impact Assessment screening determination of the proposed development, with regard being had to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular to the nature and scale of the proposed residential development (which is below the mandatory thresholds for Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended), the under-utilised nature of the site and its location in a built-up urban area which is served by public services and infrastructure, the absence of any significant environmental sensitivity in the vicinity, the location of the proposed development outside of any sensitive

location specified in Article 109(4)(a) of the Planning and Development Regulations 2001, as amended, the results of other relevant assessments of the effects on the environment submitted by the applicant, the results of the Strategic Environmental Assessment of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC), and the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment. In completing the screening determination, the Commission adopted the report of the Planning Inspector and concluded that, by reason of the nature, scale and location of the proposed development, the proposed development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

**Conclusions on Proper Planning and Sustainable Development:**

The Commission considers that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the applicable policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, including those pertaining to Zoning Objective A, would result in an appropriate scale and density of residential development, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the, as amended by the further plans and particulars received by the planning authority on the 1<sup>st</sup> day of December, 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development hereby permitted is for 252 residential units only, comprising 43 number one-bedroom apartments, 137 number two-bedroom apartments, 56 number three-bedroom apartments and 16 number five-bedroom terraced townhouses.

**Reason:** In the interest of clarity.

3.
  - (a) Prior to commencement of development, a phasing programme for construction and making available for use of the childcare facility shall be submitted to, and agreed in writing with, the planning authority.
  - (b) 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 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 and the timely provision of amenities and infrastructure for future residents.

4. The proposed development shall be amended as follows:
- (a) The Juliette balconies on the rear elevations of the townhouses shall be omitted and replaced by windows of a similar design to the other windows on the rear elevation.
  - (b) A maximum of one car parking space per residential unit, including the townhouses, shall be provided.
  - (c) Measures to prevent ad-hoc on-street parking in front of the townhouses shall be provided.
  - (d) Provision shall be made for a continuous footpath across the vehicular entrance off Cross Avenue which shall also demonstrate that cyclists maintain road priority across the vehicular entrance.
  - (e) The proposed ornate patterned steel panel fence (30 metres x 3.7 metres) along the eastern side of the entrance roadway shall be a maximum of 2.0 metres in height, which shall supercede the boundary treatment details permitted under appeal reference number ABP-313252-22.

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

**Reason:** In the interest of visual and residential amenity and road safety.

5. (a) Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority.
- (b) Details of security shuttering, external lighting, and signage for the proposed childcare facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Details of a maintenance strategy for all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (d) Details of the location, types, textures and finishes of all proposed boundary treatments within the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

In default of agreement of any of the above, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interest of visual amenity and orderly development.

6. (a) Mitigation and monitoring measures outlined in the plans and particulars, including the Outline Construction and Environmental Management Plan, the Ecological Impact Assessment, the Arboricultural Assessment, WFD and Hydrological and Hydrogeological Risk Assessment, and Flood Risk Assessment, submitted with the planning application shall be carried out in full, except where otherwise required by conditions attached to this permission.
- (b) Prior to commencement of development, the developer shall submit a comprehensive list of mitigation and monitoring measures from the named reports and a corresponding timeline/schedule for implementation of same to the planning authority for its written agreement.

**Reason:** In the interest of clarity and to protect the environment and public health.

7. All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works shall cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.

**Reason:** To ensure compliance with mitigation measures and to protect biodiversity.

8. Pre-construction surveys (including site clearance) shall be carried out for the presence of bats, mammals, ornithology and amphibians by a suitably qualified specialist in advance of any demolition, clearance or construction works to determine the presence of these species on site. Where any of the species protected under the Wildlife Acts 1976-2023 are found to be present, on-site works shall cease until authorised to continue by the planning authority.

**Reason:** To ensure the protection of species under the Wildlife Acts 1976-2023.

9. Prior to commencement of development, a Habitat and Species Management Plan (HSMP) shall be submitted to, and agreed in writing with, the planning authority which shall include details of all enhancement and mitigation measures for all species and habitats outlined in the Ecological Impact Assessment. The HSMP shall address the following specific matters:

- (a) Details of the proposed alteration and widening of the drainage ditch for the development of an attenuation pond, including the creation of the temporary pond and permanent artificial lakes and ponds habitats, which shall be agreed with the Ecological Clerk of Works with input from an amphibian specialist on the design and proposed planting in this area.
- (b) Details of proposed biodiversity planting and final design of the woodland/open space areas. Where native plant species are specified, they shall be sourced from proven indigenous local seed sources. Commercial seed shall not be used in green or open spaces or to create meadows, but instead the site soils shall be re-used with areas allowed to generate naturally where possible. Native seed stock suitable for supporting native pollinators shall only be used for gardens.

**Reason:** To ensure compliance with mitigation measures and to protect biodiversity.

10. Prior to the commencement of any works on site, an Updated Badger Conservation Management Plan shall be submitted to, and agreed in writing with, the planning authority, which shall include a pre-construction check (within 12 months of any constructions works) of inaccessible areas and of the activity status of all known setts commencing within the zone of influence of the setts. This survey shall be carried out by an Ecologist who is appropriately qualified and experienced in undertaking badger surveys and in line with best practice at the appropriate time of year. The developer shall ensure that the proposed development is in compliance with the relevant legislation on the protection of badgers. The developer shall ensure that the following specific mitigation measures are implemented in order to prevent any disturbance to badger setts not directly affected by the proposed development:

- (a) No heavy machinery shall be used within 30 metres of badger setts at any time.
- (b) No works shall be undertaken within 50 metres of active setts during the breeding season (December to June inclusive).
- (c) Lighter machinery (generally wheeled vehicles) shall not be used within 20 metres of a sett entrance.
- (d) Neither blasting nor pile driving shall be undertaken within 150 metres of active setts during the breeding season (December to June inclusive).

The results of the pre-construction survey and any proposed mitigation measures shall be submitted prior to the commencement of works for the written approval of the planning authority.

**Reason:** To ensure the protection of badgers.

11. Where existing known badger setts require exclusion and removal, or temporary exclusion for the duration of the construction period, this shall be undertaken by an Ecologist who is appropriately qualified and experienced in undertaking sett exclusions/removals and in accordance with best practice and at the appropriate time of year. Where an existing known badger sett is to be excluded/removed and an artificial sett is proposed, the artificial sett shall be constructed before the existing badger sett is excluded/removed and the badgers relocated to the artificial sett under the supervision of the experienced

ecologist(s) in accordance with best practice and at the appropriate time of year. Details of the proposed exclusion/removal process (including the provision of artificial setts), shall be submitted to, and agreed with, the planning authority prior to commencement of development.

**Reason:** To ensure the protection of badgers.

12. Prior to commencement of felling/works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified and is likely to be disturbed, the developer shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 prior to commencement of the relevant works. Prior to the removal of trees and/or works to building, the bat survey results, methodologies for felling/works and any derogations shall be submitted for the written agreement of the planning authority.

**Reason:** In the interest of the protection of bats.

13. (a) Public lighting shall be provided in accordance with the Outdoor Lighting Report (drawing number SES 10325) submitted to the planning authority and as updated by conditions of this Order. The agreed lighting scheme shall be fully implemented and operational prior to making available for occupation of any residential unit prior to commencement of development.
- (b) Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting At Night). The final design of the lighting scheme shall be approved of by suitably qualified mammal and bat specialists and written evidence indicating approval by the mammal and bat specialists, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.

- (c) Construction operations during the hours of darkness shall be kept to a minimum. If construction lighting is required during the bat activity period (April to September), lighting shall be directed away from all woodland/trees/hedgerow habitat that is to be retained. Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting At Night).

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

14. Prior to commencement of development, a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking invasive alien species (IAS) surveys and in line with best practice at the appropriate time of year shall carry out a survey of the site for invasive alien species (IAS) designated under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations (2011). A verification report shall be submitted to the planning authority prior to commencement of construction. Should any IAS be found, an IAS Management Plan shall be provided to the planning authority. Implementation of any IAS Management Plan shall be monitored and signed off by the project ecologist in agreement with the planning authority. No works shall take place until actions of an IAS Management Plan are completed. Depending on the IAS in question, post-construction monitoring shall be required to ensure controls have been successfully carried out. Any records of IAS found on the site shall be submitted to the planning authority and the National Biodiversity Data Centre (NBDC) using the NBDC standard reporting form to inform future planning and ensure monitoring.

**Reason:** To prevent the spread of alien invasive species.

15. There shall be no clearing, cutting, grubbing, burning or destruction by other means of vegetation growing on uncultivated land or in hedges or ditches during the period from 1<sup>st</sup> March to the 31<sup>st</sup> August.

**Reason:** To protect nesting birds and other wildlife.

16. (a) Prior to commencement of development, the developer shall engage a suitably qualified and registered or chartered Landscape Architect as a Landscape Consultant for the full duration of the development, who shall supervise all landscaping works and will report on compliance with the relevant mitigation measures to the planning authority on completion of the works.
- (b) Landscaping and biodiversity planting measures for the site shall be carried out in accordance with the Landscape Report and Landscape Management Plan submitted with the planning application, as amended 01/12/25, and as updated by conditions of this Order. All tree and shrub planting shall be native species only (unless native species have been deemed unsuitable in exceptional circumstances). All landscape/biodiversity planting shall be completed within 18 months of the completion of the development under the supervision of an appropriately qualified and experienced specialist. Any trees/planting that die or are removed within three years of planting shall be replaced in the first planting season thereafter. A compliance report shall be submitted to, and agreed with, the planning authority within a period of two months after the first planting season post completion of construction works.

**Reason:** To protect biodiversity and visual amenity.

17. All trees and hedgerows within and on the boundaries of the site, except those specified trees/hedgerows whose removal is authorised by the planning authority to facilitate the proposed development, shall be protected during construction and retained thereafter.

**Reason:** To protect biodiversity and visual amenity.

18. Prior to commencement of development, protective fencing in accordance with best practice shall be installed to protect all trees identified to be retained. The fencing shall be installed in such a manner as to provide protection to the critical root zone of trees to be protected, and it shall be retained on site until all construction works are completed. No soil, spoil, construction material or waste shall be stored or tipped within the fenced off area and no construction plant or

vehicles shall be parked within the spread of trees/hedgerows identified to be retained. The fencing shall be retained until such time as works are completed.

**Reason:** To protect biodiversity and visual amenity.

19. Prior to commencement of development, the developer shall engage a suitably qualified Arborist as an Arboricultural Consultant for the full duration of the development, who shall supervise all tree felling, tree planting and tree pruning works and shall report on compliance with the relevant mitigation measures to the planning authority on completion of the work. The Arborist shall be responsible for the following matters:
- (a) Implementation of the Tree Retention, Tree Protection and Tree works as set out in the Arboricultural Method Statement, Tree Protection Plan and Tree Replacement Strategy.
  - (b) Certification to the planning authority of his/her satisfaction with the tree protection measures once in place.
  - (c) All tree works (felling, removal, surgery) to be carried out by a suitably qualified Tree Surgeon and supervised by the Arborist, in accordance with best practice standards and recommendations (to be reviewed and updated where necessary).
  - (d) Carry out inspections at intervals to be agreed with the planning authority and complete a monitoring report of all tree works detailing any significant issues or breaches of the Arboricultural Method Statement.
  - (e) Monitor and agree all works within the RPA of any trees to be retained and no tree stumps within the RPA shall be removed by excavator.

**Reason:** To protect biodiversity and visual amenity.

20. (a) The felling of trees which have been identified for removal shall be carried out under the supervision of an appropriately qualified ecologist and left intact on the ground for a period of at least 24 hours to allow for any bats (if present) to escape.

- (b) Of the trees to be felled, a minimum of one tree trunk of a felled native mature/early mature tree shall be retained (in one piece or cut into large sections) and left within the retained woodland habitat.
- (c) Trees shall not be planted in the area over the attenuation pond and shall be placed a minimum of two metres from the edge of the attenuation tanks.

**Reason:** To protect biodiversity and visual amenity.

21. 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 Coimisiún Pleanála for determination.

**Reason:** To secure the protection of trees on the site.

22. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes, 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 and the National Cycle Manual issued by the National Transport Authority. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interest of traffic, pedestrian and cyclist safety.

23. (a) Car parking and motorcycle parking for the proposed development shall be provided in accordance with the submitted parking layout, subject to the revisions required by condition number 4(b) above providing for a maximum of one space per residential unit.
- (b) The car parking spaces for visitor use shall be assigned permanently for the residential development and shall be reserved solely for that purpose.
- (c) Prior to occupation of the development, a Car Park 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 spaces, visitor parking spaces and other spaces within the development shall be assigned and how the car park shall be continually managed.
- (d) A minimum of 20% of all car parking spaces shall be provided with functional electric vehicle charging points, and ducting shall be provided for all remaining car parking spaces to facilitate future cabling to serve charging points for electric vehicles. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (e) Safe and secure bicycle parking spaces shall be provided within the site in accordance with the submitted layout. Provision shall be made for a mix of bicycle types, including cargo bicycles, and individual lockers with electric charging points at accessible locations. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of amenity, of traffic and pedestrian safety and of sustainable transportation.

24. The proposed development shall be carried out and operated in accordance with the provisions of the Residential Travel Plan, including a car sharing scheme, as submitted to the planning authority. A Travel Plan Co-ordinator shall be appointed, and the name and contact details of the appointee shall be provided to the planning authority prior to occupation of the proposed development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

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

25. (a) All pedestrian and cyclist links and connections to adjoining lands at Cherbury Court and Clonfadda Wood shall be provided up to the site boundaries to facilitate future connections subject to the appropriate consents.
- (b) All pedestrian pathways (within the proposed development) and connectivity links (to and/or from the development) shall be un gated, free of any physical or operational impediment, and fully accessible to the general public (seven days of the week and 24 hours of the day).

**Reason:** In the interest of permeability and safety.

26. The measures identified in the Stage 1 Quality Audit shall be implemented in full. Prior to commencement of development, and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/or Quality Audit(s) of the proposed development, including the main entrance, internal road, pedestrian/ cycle path layouts, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of traffic, pedestrian and cyclist safety, and sustainable transport.

27. (a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being so taken in charge.
- (b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/bin storage, and all areas not intended to be taken in charge by the planning authority, shall be maintained by the legally constituted management company.
- (c) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** In the interest of orderly development and to provide for the satisfactory future maintenance of the development.

28. (a) The areas of communal and public open space in the development shall be reserved for such use, levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the landscaping plans and particulars as submitted with the planning application, unless otherwise agreed with the planning authority. This work shall be completed before any of the dwellings are made available for occupation, unless otherwise agreed in writing with the planning authority.
- (b) Final design, finishes, methods of construction and/or installation of footpaths, cycle paths, seating, crossing points over ditches/drains/SuDS features, and equipment in play areas shall be submitted to the planning authority for written agreement.
- (c) The landscaping and planting schedule shall be managed and maintained in accordance with the Landscape Design and landscaping plan(s) submitted with the planning application, unless otherwise agreed in writing with the planning authority. This schedule shall cover a period of at least

three years and shall include details of the arrangements for its implementation.

- (d) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the planning authority.

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

- 29. (a) No additional development shall take place above roof parapet level of the apartment and/or duplex blocks, 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.
- (b) Roof areas of the apartment blocks shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose.

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

- 30. Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage, shall be submitted to, and agreed in writing with, the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use for new residential areas.

- 31. 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 interest of visual and residential amenity.

32. (a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste, 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 OWMP.
- (b) The OWMP shall provide for screened bin stores for the apartment and duplex blocks, and the childcare facility, the locations, and designs of which shall be as indicated in the plans and particulars lodged with the planning application, unless otherwise agreed in writing with the planning authority.

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

33. (a) The developer shall enter into a connection agreement(s) with Uisce Éireann prior to commencement of development to provide for a service connection(s) to the public water supply and/or wastewater collection network and shall adhere to the standards and conditions set out in that agreement.
- (b) All development shall be carried out in compliance with Uisce Éireann codes and practices.

**Reason:** To provide adequate water and wastewater facilities in the interest of public health.

34. 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 the following:
- (a) Details of the proposed surface water sewer on Cross Avenue.
  - (b) Details of the proposed emergency overflow manhole for the pond.
  - (c) The final positioning of the pedestrian bridge to ensure that it is above the maximum design water level associated with a 1% AEP storm event with sufficient freeboard provided to prevent ingress of water into the bridge structure under such conditions.

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

35. The construction of the proposed 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 intended construction practice for the proposed development, including, but not limited to:
- (a) The location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
  - (b) The 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 the queuing of construction traffic on the adjoining road network.
  - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
  
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

36. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interest of sustainable transport and safety.

37. 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 or public holidays. Deviation

from these times shall 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.

38. Prior to commencement of development, a Resource Waste Management Plan (RWMP), as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021), shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

39. 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 sections 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 Coimisiún 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.

40. (a) 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, as amended, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing 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.

41. 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 planning authority and/or management company of

roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 Coimisiún Pleanála for determination.

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

42. 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 Coimisiún 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.