

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Waterford City and County

Planning Register Reference Number: 16/175

An Bord Pleanála Reference Number: PL 93.247264

APPEAL by Richard Ryan of 22 Convent Hill, Waterford City on behalf of the Barrack Street – Convent Hill – Priests Terrace Residents Association and by John Cloono of 114 Ballybeg Close, Waterford City on behalf of Waterford Inner City Community Alliance against the decision made on the 23rd day of August, 2016 by Waterford City and County Council to grant subject to conditions a permission to Newgate Properties Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The development will consist of a new shopping centre (total gross retail area of 10,030 square metres and café/restaurant area of 635 square metres) arranged over two levels comprising an anchor store of 2,830 square metres and five number medium size units (MSUs) ranging in size from 737 square metres to 1,434 square metres; 10 number additional retail units (including the currently vacant property at number 12 Michael Street) ranging in size from 45 square metres to 416 square metres; three number restaurant/café units (635 square metres) and ancillary plant (including at podium level), ESB substation and circulation areas (3,509 square metres). Access to the retail centre will be principally from Michael Street. The development will consist of a multi-storey car park arranged over four levels (gross floor area 11,856 square metres) comprising 385 number car parking spaces with access from Brown's Lane and egress to John's Lane and the provision of a pedestrian bridge over New Street, at its junction with John's Lane, linking the proposed multi-storey car park and retail

centre. The development will also include the provision of a new landscaped urban garden at Saint Stephen's Graveyard (a Protected Structure RPS number 432) and the retention of the 17th Century house located in 'Kiely's Yard' (a Protected Structure RPS number 432); all hard and soft landscaping; boundary treatments; canopies; covered pedestrian streets and spaces; attenuation works; substation; plant; pedestrian pathways and access points; changes in level; piped infrastructure and ducting; services provision; lifts, stairs and escalators; bicycle parking provision; signage; waste management provision; external lighting and all associated site development and excavation works above and below ground.

The proposed development will comprise (i) a shopping centre principally bounded by Alexander Street to the north; Michael Street to the east; Stephen's Street to the west and New Street to the south, and (ii) a multi-storey car park principally bounded by John's Lane to the north; Wyse Park, the Quaker graveyard and the rear of existing structures to the east and south and Brown's Lane to the west (substantially comprising the former Waterford Institute of Technology site), Waterford. The development will include the following demolition works: number 25 Michael Street (shop) and associated ancillary rear additions/structures; the rear only of number 12 Michael Street; existing structures within the former Waterford Institute of Technology site on New Street/John's Lane; the existing multi-storey car park accessed from New Street; the former Kiely's Yard (Bottling Plant and Manager's House) on New Street; two number former car service garages off John's Lane (known as Murphy's and O'Byrne's); a vacant two-storey house at number 1A Alexander Street; the R. O'Keeffe and Sons Monumental Stone Works, sheds, outbuildings and a two-storey house, on Michael Street and all related ancillary outbuildings and storage structures. The development will have a total gross floor area of 26,030 square metres approximately.

The proposed development was revised by further public notices received by the planning authority on the 12th day of July, 2016.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) the provisions of the Waterford City Development Plan 2013–2019, including the zoning objectives for the site,
- (b) the designation of the site as an opportunity site within the core shopping area of Waterford under the Development Plan and the Waterford City Retail Strategy 2012,
- (c) the provisions of the Waterford City Urban Renewal Strategy 2015,
- (d) the identified need for additional retail floor space in Waterford City Centre,
- (e) the guidance for the protection of architectural and archaeological heritage set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the Framework and Principles for Protection of Archaeological Heritage (1999), Department of Environment, Heritage and Local Government, and
- (f) the planned mitigation measures,

it is considered that, subject to compliance with the conditions set out below and to the implementation of the mitigation measures set out in the Environmental Impact Assessment, the proposed development would constitute an appropriate use for the site, would be acceptable in terms of traffic safety and convenience and acceptable in relation to residential amenity in the environs, would not have significant adverse impacts on the architectural or archaeological heritage or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and of the City.

Appropriate Assessment

The Board completed a screening exercise, taking into account the screening report submitted with the application and the Inspector's report and submissions on file, in relation to potential impacts of the site having regard to the nature and scale of the proposed development and characteristics of the Special Protection Area/Special Area of Conservation. No Appropriate Assessment issues arise and the Board concluded on the basis of the information available that the application for consent for proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European site and in particular Lower River Suir Special Area of Conservation (Site Code 002137), River Barrow and River Nore Special Area of Conservation (Site Code 002162), Tramore Back Strand Special Protection Area (Site Code 004027), and Tramore Dunes and Backstrand Special Area of Conservation (Site Code 000671) in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed scheme which considered the Environmental Impact Statement submitted with the application and the report, assessment and conclusions of the Inspector in relation to the environmental impacts of the scheme, and adopted her report.

The Board considered that the environmental impacts of the proposal are acceptable and subject to compliance with the mitigation measures set out in the Environmental Impact Statement, as conditioned by the Board, the scheme would not have unacceptable adverse effects on the environment.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the Environmental Impact Statement and proposed mitigation measures, as amended by the further plans and particulars submitted on the 6th day of July, 2016 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed canopy projecting onto Michael Street shall be pulled back such that it does not project forward of the building line of Michael Street.
 - (b) The developer shall amend the New Street elevation such that there is an additional pedestrian entrance to (medium size unit) MSU 05, in order to provide a more active frontage to New Street.
 - (c) The proposed external finish to the walls and panels of the car park in Block 2 shall be in polished stone to a detail and finish to be agreed with the planning authority.

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 interests of visual amenity and orderly development.

3. The developer shall facilitate the planning authority in the archaeological resolution 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 an archaeologist to carry out a detailed archaeological excavation of the site, under licence from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. The Planning Authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of site preparation works.

- (c) No construction or site preparation work shall be carried out until all archaeological requirements of the planning authority are complied with. All demolition and other site work shall be monitored by a licensed archaeologist.
- (d) An archaeological assessment of the site shall be carried out by a qualified archaeologist and a written report on the results of the assessment shall be forwarded to the planning authority. The procedure to be adopted in the assessment shall be agreed in writing in advance with the planning authority.
- (e) The report shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches/bore holes clearly indicated. Trial trenches shall be excavated to the top of the archaeological deposits only. No subsurface work shall be undertaken in the absence of the archaeologist without their express consent.
- (f) Prior to the commencement of works on the site, the southern extent of Saint Stephens Graveyard shall be established in order to ensure the preservation in-situ of any burials which may survive in this area, and the exclusion of the same from the development.
- (g) Excavation of trenches for the secant pile wall shall be subject to archaeological monitoring.
- (h) Where archaeological material is shown to be present, a detailed Impact Statement in relation to the design and layout of the secant pile wall and the contractor's methodology, shall be prepared by a qualified archaeologist.
- (i) On receipt of the assessment report, the planning authority shall determine the further archaeological resolution of the site, including if necessary, archaeological excavation and the preservation in situ of archaeological remains. Before any construction work commences, the developer shall comply in full with any further archaeological requirements of the planning authority. Where preservation in situ is required, which may require the omission of all or part of the basement, a revised layout shall be agreed with the planning authority prior to the commencement of development on that site.

- (j) Satisfactory arrangements for post-excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be agreed with the planning authority. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared and submitted to the planning authority within a period of six months or within such extended period as may be agreed with the planning authority.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

4. A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. An archaeological impact statement and conservation plan for the 17th Century house and for Saint Stephen's Graveyard, including the boundary walls thereof, shall be submitted to and agreed with the planning authority. The development shall be carried out in accordance with the plan and works in this area shall be restricted to appropriate conservation, consolidation and presentation works.

Reason: In order to facilitate the conservation, preservation and/or recording of the archaeological heritage of the site.

6. Development in the vicinity of Saint Stephens Graveyard shall be undertaken in accordance with the proposals submitted to the planning authority on the 6th day of July 2016, save as may otherwise be agreed.

Reason: In order to facilitate the conservation, preservation and/or recording of the archaeological and architectural heritage of the site.

7. A full architectural and archaeological survey of buildings in Kiely's Yard proposed for demolition, including the Managers House and the stone warehouse, shall be carried out. Archive standard drawings and a photographic survey shall be prepared, in accordance with the requirements of the planning authority. Internal fixtures and fittings shall be assessed and, where appropriate and required by the planning authority, carefully removed in order to allow for appropriate relocation within the development.

Reason: In order to facilitate the conservation, preservation and/or recording of the archaeological and architectural heritage of the site.

8. Prior to commencement of development, a Conservation Impact Assessment and Conservation Plan for number 12 Michael Street shall be submitted to, and agreed in writing with, the planning authority. The assessment and plan shall address the following matters.

- (a) The appointment of a conservation expert to manage, monitor and implement works on the site and to ensure adequate protection of the historic fabric during those works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.
- (b) Details of all finishes and of all existing original features to be retained and reused, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.
- (c) Details of the relationship between existing and proposed structures on the site, including details of vertical circulation.

- (d) All repair works shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011). The repair works shall retain the maximum amount of surviving historic fabric in-situ, including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.
- (e) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, site survey drawings and measured architectural drawings of all structures on the site.

Reason: To ensure that the integrity of the historic structure is maintained and protected from unnecessary damage or loss of fabric and to retain a record of the building

- 9. A full architectural survey of all other buildings proposed for demolition shall be carried out, and shall be submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

Reason: In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

- 10. Proposals for the provision of interpretative or commemorative signage for Saint Stephen's Graveyard and the 17th Century house shall be submitted to the planning authority for agreement in writing prior to the commencement of development, as shall details for the proposed relocation of the post box on New Street and the Edmund Ignatius Rice plaque.

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

11. A schedule of all materials to be used in the external treatment of the development to include details of the pedestrian bridge, shopfront materials, roofing materials, windows, doors and gates shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. Sample panels of these materials shall be erected on site, where deemed necessary to facilitate such agreement. The use of “corporate colours” for the external finishes of the perimeter walls is not permitted.

Reason: To ensure an appropriate standard of development/conservation.

12. 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.

13. This order shall not be construed as granting permission for any additional floor areas at “mezzanine level” within the buildings hereby permitted. No mezzanine floor development shall be carried out without a further grant of planning permission.

Reason: In the interest of clarity and in order to permit the planning authority to assess the impact of any such increase in floorspace in the light of the retail policies of the current development plan for the area.

14. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, with the exception of proposed VMS access signage, shall be erected within the site and adjoining lands under the control of the developer save with a prior grant of planning permission.

Reason: To protect the visual amenities of the area.

15. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

Reason: In the interest of visual and residential amenities.

16. Proposed paving to be used within the adjoining Applemarket as part of the Waterford City and County Council public realm works shall be continued across New Street and into the proposed internal street. Details of the extent and finish of this paving shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of public and visual amenity.

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

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

18. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.
 - (ii) Details of screen planting
 - (iii) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.
 - (iv) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
 - (v) Details of proposed street furniture, including bollards, lighting fixtures and seating.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation, including details of phasing.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. The developer shall fund, at his own expense, the proposed landscape plan and improvements, including paving, to the public domain. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity, in order to enhance the immediate public domain and in the interest of the proper planning and sustainable development of the area.

19. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces, roads and communal areas in a satisfactory manner shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure the adequate future maintenance of this private development in the interest of residential amenity.

20. Water supply and 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 interest of public health and to ensure a proper standard of development.

21. The car parking facilities, hereby permitted, shall be reserved solely to serve the proposed development. The car park layout shall be as per that submitted to the planning authority on the 6th day of July 2016, except as may otherwise be agreed in writing with the planning authority. The layout and design of designated spaces for persons with impaired mobility shall be in accordance with the guidance set out in the document “Building for Everyone - a Universal Design Approach” published by the National Disability Authority. The developer shall install a variable message parking information system within the car park indicating spaces available on each floor of the car park. The developer shall submit internal lighting plans for the car park, indicating the lux level achieved on each floor level, to the planning authority for agreement in writing prior to commencement of development.

Reason: To ensure that adequate parking spaces are permanently available to serve the development and also to prevent inappropriate commuter parking.

22. Prior to commencement of development, the design of all modifications to the public road network and traffic management and parking arrangements shall be submitted to and agreed in writing with the planning authority. Matters to be agreed shall include full details of the Variable Messaging Signage which shall be designed so as to complement the system which is proposed by the planning authority. All costs associated with the modifications to the road network, traffic management systems and public car parking shall be borne by the developer at no cost to the planning authority.

Reason: In order to provide for the necessary modifications to the road network and traffic management systems to facilitate the proposed development in the interest of minimizing traffic impacts.

23. Bicycle parking spaces shall be provided within the site to the satisfaction of the planning authority. The layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

24. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the Planning Authority. This strategy shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development, and to reduce and regulate the extent of staff parking. One mobility strategy shall be prepared and managed by the management company for all units within the retail centre. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

25. The developer shall submit to and agree in writing with the planning authority a servicing traffic management plan prior to commencement of development. The plan shall include details of the timing and nature of delivery vehicles and plans to prevent vehicles queuing on New Street thereby causing a traffic obstruction. During operational stage, Heavy Goods Vehicles usage of the New Street entrance to the basement car park/service area after 2200 hours shall be restricted, save in exceptional circumstances with the prior written agreement of the planning authority.

Reason: To prevent traffic congestion and in order to protect residential amenities.

26. Prior to commencement of development, a report on the methodology for bat surveys and monitoring to be undertaken on the site, prepared by a suitably qualified individual, shall be submitted to and agreed in writing with the planning authority. Such report shall, in particular, address the timing of works on the site and shall address the mitigation measures to be implemented. All works shall be carried out under the necessary supervision of a licensed specialist.

Reason: In order to protect potential bat population of the area.

27. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

28. A Japanese Knotweed Management Plan shall be prepared and implemented prior to any construction works on site. The plan shall be drawn up by a suitably qualified ecologist and shall set out measures to treat and eradicate all Japanese Knotweed on site.

Reason: To ensure avoidance of risk of further spread of Japanese Knotweed.

29. Site development and building works shall be carried out only between the hours of 0800 to 2000 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.

30. Prior to commencement of development, a method statement for the management of the construction phase of the proposed development shall be submitted to and agreed in writing with the planning authority. The method statement shall address the following:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of 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 and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (i) Provision of parking for existing properties on New Street during the construction period.
- (j) Implementation of the plan shall be overseen by a committee comprising representatives of the developer, contractors and of the planning authority.
- (k) Appointment of a community liaison officer and establishment of means of communication with local residents and businesses.

Reason: In the interests of orderly development and road safety.

31. A Scheme of monitoring of noise emissions during both the construction phase and for the first 12 months of the operational phase following the ending of the construction, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The scheme shall specify the location of monitoring points, the timing and duration of monitoring, and reporting and recording procedures. The monitoring points shall include all of the nearest sensitive receptors to the site (that is, the nearest residential properties, and the nearest community and educational properties). The scheme as agreed with planning authority, shall be carried out, to the satisfaction of the authority, at the developer's expense.

Reason: In order to ensure that the proposed development does not result in excessive noise emissions, and that these can be appropriately monitored, in the interest of protecting the amenities of properties in the vicinity.

32. Vibration levels from construction and excavation activities on the site shall not exceed a peak particle velocity of 12 mm/second, measured in any three mutually orthogonal directions at any sensitive location. Prior to commencement of development, structural surveys of sensitive structures in the vicinity of the site shall be undertaken. A monitoring programme shall be agreed in writing with the planning authority prior to commencement of development. Details to be agreed shall include the identity of properties, the subject to structural surveys and the location and frequency of monitoring to be undertaken. In the event of the above emission limit value being reached or exceeded, or structural impacts to adjoining structures arising, the developer shall notify the planning authority without delay, and shall carry out any remedial measures specified by the planning authority, including, if necessary, cessation of works.

Reason: In the interest of the protection of residential amenity and cultural heritage.

33. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed: -
- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

34. 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 provisions of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

35. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

36. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before the proposed development is made available for occupation.

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

37. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of 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.

38. 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.

39. The developer shall pay the sum of €40,000 (forty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the 300 millimetres storm drain. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

40. The developer shall pay the sum of €60,000 (sixty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of landscaping works within Wyse Park. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.