



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 4th day of September 2019 by Cairn Homes Properties Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin.

Proposed Development:

A planning permission for a strategic housing development on lands at Newcastle South and Ballynakelly, Newcastle, County Dublin. The overall site comprises lands to the south of Main Street (circa 15 hectares) together with three number additional infill sites at the corner of Burgage Street and Newcastle Boulevard (circa 0.8 hectares); number 32 Ballynakelly Edge (circa 0.05 hectares); and Ballynakelly Rise (circa 0.18 hectares).

The proposed development will consist of:

1. the demolition of five number structures on site, total area measuring 359 square metres, comprising two number habitable dwellings and three number associated outbuildings/sheds located to the north-west of the site;
2. development of 406 number residential homes;
3. a childcare facility (518 square metres gross floor area);
4. one number commercial unit (67.7 square metres gross floor area);
5. reservation of a school site (1.5 hectares);
6. new vehicular, cycle and pedestrian access from Main Street;

7. continuation of Newcastle Boulevard forming part of a new east-west link street;
8. a new public park (two hectares);
9. pocket parks and greenway together with associated internal access roads, pedestrian and cycle paths and linkages;
10. one number single storey marketing suite (81 square metres) and signage (including hoarding) during the construction phase of development only and,
11. all associated site and development works.

The development consists of the following:

Main development site:

- 36 number two-bed apartments (ranging in size from 83.8 square metres to 84.9 square metres gross floor area each), with
- 36 number three bed duplex units above (ranging in size from 127.3 square metres to 131.0 square metres gross floor area each) in three-storey terraces;
- 21 number two-bed, two-storey terraced houses (86 square metres gross floor area each);
- 201 number three-bed, two-storey terraced, semi-detached and detached houses (ranging in size from 107 square metres to 115.8 square metres gross floor area each), and
- 52 number four-bed two-storey, semi-detached and detached houses (ranging in size from 130 square metres to 139.44 square metres gross floor area each).
- The proposed childcare facility (518 square metres) is located within the main development site.

Site at corner of Burgage Street and Newcastle Boulevard:

- 50 number units arranged in a part three, part four-storey block comprising:
 - 6 number one-bed apartments,
 - 20 number two-bed apartments, together with
 - 12 number two-bed apartments with
 - 12 number three-bed duplex units above.

One-bed apartments ranging in size from 50.9 square metres to 57.9 square metres gross floor area each, two-bed apartments (including those associated with duplex units) ranging in size from 67.8 square metres to 87.2 square

metres, gross floor area each and three-bed duplex units ranging in size from 110.9 square metres to 112.9 square metres gross floor area each.

- This block includes one number ground floor commercial unit (67.7 square metres gross floor area).

Number 32 Ballynakelly Edge:

Works to an existing, partially complete two-storey structure to facilitate a change of use from previously permitted community centre (permitted under Part 8) to residential use comprising of

- two number one-bed apartments (48 square metres and 48.7 square metres gross floor area) and
- one number three-bed apartment (98.2 square metres gross floor area).

Ballynakelly Rise:

- seven number three-bed, two-storey terraced houses (114.6 square metres gross floor area each) together with
- minor relocation of existing bin store.

Vehicular access to the main development site will be via a new entrance onto Main Street, together with the continuation of Newcastle Boulevard through the site and a further new access at Lyons Avenue.

A total of 735 number car parking spaces are provided. They include 663 number spaces serving the residential units; 11 number spaces designated for use by the childcare facility; one number commercial space; 60 number visitor spaces (including spaces serving the proposed public park; four number electric vehicle spaces; four car sharing spaces and seven number mobility impaired spaces); 10 number motor cycle spaces; and a total of 323 number bicycle spaces are proposed.

The associated site and infrastructural works include foul and surface water drainage, attenuation areas, watermains, four number Electricity Supply Board substations, open space and landscaping works, street lighting, boundary walls and fences, internal roads, cycle paths and footpaths, and all associated and ancillary site and development works.

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

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

- (a) the location of the site on lands within the village of Newcastle;
- (b) the nature, scale and design of the proposed development, which is consistent with the provisions of the South Dublin County Development Plan 2016-2022 and the Newcastle Local Area Plan 2012-2018 (as extended);
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (e) 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;
- (f) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (g) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (h) the availability in the area of a wide range of social and transport infrastructure;
- (i) the submissions and observations received, and
- (j) the report of the Inspector.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development, subject to the conditions set out below, is acceptable in terms of design concept; adequately integrates the historic burgage plots/ hedgerows into the layout of the scheme; provides appropriate locations for reinstated hedgerows; is acceptable in form and layout; provides high quality usable open spaces; establishes a sense of place with variety and distinctiveness reflective of the village of Newcastle and provides an appropriate level of residential amenity for future occupants. As such, the Board considered that the proposed development would be consistent with Ministerial Guidelines, the Development Plan and the Newcastle Local Area Plan.

Furthermore, the proposed development, which provides eight number one-bed units, 87 number two-bed units and 276 number three-bed units and four-bed units (as amended by condition) would be consistent with section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual issued by the Department of the Environment, Heritage and Local Government in May 2009, and Policy 10 of the South Dublin County Development Plan in that it includes a variety of adaptable housing types, sizes and tenures, providing a suitable mix of unit types with dwelling units of varying sizes, catering for an appropriate range of different housing needs. The proposed development is therefore considered to 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 designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced area, the Screening Report for Appropriate Assessment submitted with the application, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, 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 planning application;
- (c) the submissions from the planning authority and the prescribed bodies in the course of the application; and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant adequately considers alternatives to the proposed development, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment, and provides information which was reasonable and sufficient to allow the Board to carry out an environmental impact assessment and to reach a reasoned conclusion on the significant effects of the project on the environment. The Board is satisfied that the information and data available and the reasoned conclusion is up to date at the time of taking the decision.

The Board agreed with the summary of the results of the consultations and information gathered in the course of the environmental impact assessment set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision (with the exception of the Inspector's concerns in relation to biodiversity and landscape and visual impact).

Reasoned Conclusion of the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the environmental impact assessment report and supplementary information provided by the applicant, and the submissions from prescribed bodies in the course of the application, the Board considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- (a) Population and human health impacts will be positive from the additional housing and ancillary facilities that will be provided on the site and any negative impacts will be mitigated by appropriate construction and operational management plans.
- (b) Biodiversity impacts will be mitigated by the retention of a significant extent of historic burgage hedgerow, the reinstatement of hedgerows, new biodiversity friendly landscaping and tree planting, appropriate timing of vegetation removal to minimise disturbance to wildlife and measures to minimise disturbance to bats.
- (c) Soils and geology impacts will be mitigated by construction management measures including minimal removal of topsoil and subsoil, management and maintenance of plant and machinery, and dust suppression measures.
- (d) Water: hydrogeology and hydrology impacts will be mitigated by management of surface water run-off during construction and rainwater and groundwater pumped from excavations to on-site settlement ponds. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- (e) Water: water supply, drainage and utilities impacts will be mitigated by surface water attenuation, bunding and appropriate construction practices.

- (f) Landscape and visual impact assessment impacts will be mitigated by the retention of a significant extent of historic burgage hedgerow, the reinstatement of hedgerows, and by the scale, design and external finishes of the proposed development.
- (g) Archaeological and cultural heritage impacts will be mitigated by archaeological monitoring of ground disturbance works and preservation in-situ.
- (h) Air, dust and climatic impacts which will be mitigated by dust minimisation plan.
- (i) Traffic and transportation impacts will be mitigated by the management of construction traffic, mobility management plan, and Construction and Environmental Management Plan.
- (j) Noise and vibration impacts will be mitigated by adherence to requirements of relevant code of practice.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above and subject to compliance with the conditions set out below, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector (with the exception of the Inspector's concerns in relation to Biodiversity and Landscape and Visual Impact).

In deciding not to accept the Inspector's reasoned conclusions in their entirety, the Board considered that the proposed development would not have an adverse impact on biodiversity, despite the removal of two number sections of hedgerow (located in the western portion of the site and along the proposed access road from Main Street). It considered that, with the retention of other sections of historic hedgerow and the reinstatement of hedgerows resulting in an increase in the overall quantity of hedgerow planting, new landscaping and tree planting, in addition to the mitigation measures outlined in the environmental impact assessment report to minimise disturbance to bats and other wildlife, impacts would not be significant.

The Board also considered that the proposed development would not have an adverse impact on landscape and visual impact despite the removal of two number sections of significant historic hedgerow (located in the western portion of the site and along the proposed access road from Main Street). The Board noted the minimal arboricultural value of the hedgerows with sporadic vegetation of variable condition. The retention of other sections of historic hedgerow and the reinstatement of hedgerow, resulting in an increase in the overall quantity of hedgerow planting, new landscaping and tree planting, in addition to the development of new housing of an appropriate scale and design in the context of the village of Newcastle, would have an overall positive impact in terms of landscape and visual impact.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development, having regard to its layout, housing mix and public realm would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design and mix of development and would also 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.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the environmental impact assessment, submitted with this application as set out in Chapter 16 of the environmental impact assessment report "Summary of Mitigation Measures", shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

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

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

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. The proposed development shall be amended to omit house units numbers C(7) to D1(6) inclusive, that is, house numbers: C(7) , C(8), B1(66), B1(67), B2(72), B(71), B(70), B(69), B1(68), A(23), A(24), A(25), A(26), B1(73), F(07), B(74), F(08), B1(75), B1(76), B(77), B(78), B(79), B1(80), C(9) , C(10) and D1(6), as shown on the site layout plan, and the area developed as public open space in conjunction with retention of the existing heritage hedgerow at this location. The landscape plan shall recognise the heritage significance of the hedgerow and shall provide for its enhancement.

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

Reason: In the interest of cultural heritage and landscape.

6. (a) The two roads located in the north-west of the site, defined as DMURS local streets on drawing number 170024-2000A shall align and be the same width as the roads in the adjoining development granted under planning permission SD17A/0378.
- (b) Junction radii shall be six metres off Newcastle Boulevard and the busier local streets to all access for fire tenders and refuse lorries. Junction radii into the home zones can be 4.5 metres.
- (c) Where perpendicular parking is provided on those streets the additional width required for vehicles to manoeuvre shall be incorporated into the spaces in accordance with figure 4.82 of DMURS without increasing the width of the carriageway to more than 5.5 metres, unless otherwise agreed with the planning authority.
- (d) Dwelling unit numbers B2(81), B(82), B(83), B2(84), B2(87), B(86), B1(85), C1(11), and D1(7), as shown on the site layout plan, and the section of link road to the north shall be omitted in order to align future development with the adjoining site to the west. The residential units and link road, which shall be the subject of a future planning application, shall

be optimally placed to align with the development of the adjoining site to the west.

Reason: To ensure compliance with DMURS and coordination with the development on lands to the west.

7. All individual housing units located at corners shall be dual frontage. Revised drawings and documentation showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure active surveillance throughout the development.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of individual houses within the proposed development without a prior grant of planning permission.

Reason: In the interest of residential amenity.

9. Full details of layouts, boundary treatments, screening and materials for all the bin storage areas and bicycle parking bays shall be submitted to the planning authority for written agreement prior to the commencement of development. The developer shall ensure that the bin storage areas are designed such that they shall not have an adverse impact on the residential amenity of adjoining properties by reason of visual intrusion, odour or noise and that there is a fully integrated layout between the bicycle parking and bin storage areas.

Reason: In the interest of residential amenity.

10. (a) The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.
- (b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and all surface water shall be treated within the site. Detailed proposals for the proposed sustainable drainage system, compliant with the South Dublin County Development Plan 2016-2022 and the Newcastle Local Area Plan 2012-2018, shall be submitted to and agreed with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

11. No additional development shall take place above apartment 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 amenity of property in the vicinity and the visual amenity of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

12. Prior to commencement of development, the developer shall submit revised plans showing detailed site sections and details of any retaining walls proposed, including existing and proposed ground levels, for units B1(26), B1(27), B1(28), B2(25), B2(41), F(04), F(05), B1(40) and F(06). The scheme shall be designed to minimise the extent of retaining walls.

Reason: In the interest of residential and visual amenity.

13. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, 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/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 of locally appropriate place names for new residential areas.

15. (a) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, those areas of the site that will be taken in charge by the planning authority.
- (b) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company. Membership of this company shall be compulsory for all purchasers of apartments in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

16. 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 house.

Reason: In the interests of amenity and public safety.

17. All service cables associated with the proposed development, such as electrical, communal television, telephone and public lighting cables, shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of orderly development and the visual amenity of the area.

18. 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.

Reason: In the interest of sustainable waste management.

19. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

20. 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.

21. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. 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.

Reason: in the interest of sustainable transportation.

22. (a) The landscaping scheme shown on drawing number 1723_PL_P_01, as submitted to An Bord Pleanála on the 4th day of September 2019 shall be carried out within the first planting season following substantial completion of external construction works of each phase of development. 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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (b) Street trees are proposed for planting on private property, this is not desirable and shall be reviewed. In the carriage ways the footpaths shall be located behind the car parking spaces, a vegetation buffer shall be inserted between the dwellings and footpath (which is already incorporated into the present design). Trees shall be planted into a porous material with structural root soil and constructed tree pits between the car spaces. The layout of this is demonstrated in South Dublin County Council Adamstown Street Deign Guide, section 6.3 Side Street Design.
- (c) The proposed perimeter cycle/footpath in the park shall be replaced with a three-metre-wide shared cycle/pedestrian surface.

- (d) Plans for the allotments shall be agreed with the planning authority and to include electricity and water connections and planting of a communal orchard.
- (e) The developer shall submit level details for the open space, this shall include cross section drawings where applicable. If retaining walls are required, they shall be located outside the open space.
- (f) Additional tree planting is required on streetscapes. The developer shall provide large trees a minimum of 18 to 20-centimetre girth. The developer shall submit cross section details of the tree pits and growing mediums. The tree pits shall include storm water attenuation (sustainable drainage system) within the tree pits and clearly outline how this will function.
- (g) All lighting columns shall be located a minimum of five metres away from any tree.
- (h) The developer shall propose native Irish trees and hedgerow species to re-establish the native hedgerows.
- (i) Details of the proposed playing pitch, play space proposals, teen spaces and multi-use games areas shall be agreed in writing with the planning authority prior to the commencement of development.
- (j) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals. If attenuation tree pits are proposed, their installation shall be supervised by the project landscape architect.

Reason: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design

23. Prior to the commencement of any permitted development, the developer shall engage the services of a Professional Member of Arboricultural Association who is an independent, qualified arborist, for the entire period of construction activity. The applicant shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans.

To ensure the protection of trees to be retained with the site the applicant shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the Arboricultural Method Statement and Tree Protection Plan in the submitted tree report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

24. Prior to the commencement of development, the applicant shall submit proposals for the retention of any bat roosts or apply for the relevant consents and derogation licences.

Reason: In order to mitigate the effects of the proposed development on bats.

25. Prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site the applicant, owner or developer shall lodge with the planning authority evidence of the written agreement from the Irish Aviation Authority to the crane operations proposed on site including a marking and lighting scheme for construction cranes and as such information as may be required by the Irish Aviation Authority including crane type, elevation, dimensions, ground elevation and location co-ordinates. The operation of cranes shall be co-ordinated with the Air Corps Air Traffic Services, no later than 28 days before use.

Reason: In the interest of public safety

26. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1700 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 amenity of property in the vicinity

27. The construction of the development shall be managed in accordance with a Construction 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 development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

28. 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.

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 developer shall lodge with the planning authority a cash deposit of €180,000 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.

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

