



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire Rathdown 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 7th day of November 2019, and submitted to the oral hearing on the 10th day of June 2020, by Atlas GP Limited, care of Brock McClure Planning and Development Consultants, 63 York Road, Dún Laoghaire, County Dublin.

Proposed Development

A planning permission for a strategic housing development on lands at the former Doyle's Nurseries and Garden Centre and Benoni, Brennanstown Road, Cabinteely, County Dublin.

The proposed development will comprise 234 number residential units in a mix of apartments and duplexes in three blocks (Blocks A, B and C) ranging in height from one to eight storeys with associated residential facilities including open space, a gym, a creche and a lower foyer.

- Block A will consist of an approximately 248 square metres gym, approximately 67 square metres of circulation space and approximately 317 square metres of a creche facility all at ground floor level, with six number two-bed duplex residential units at first and second floor.

- Block B will consist of an approximately 254 square metres lower foyer at ground floor level and 29 number apartments comprising eight number one-bed apartments, 13 number two-bed apartments, two number three-bed apartments and six number three-bed duplex apartments from lower ground to second floor level.
- Block C will consist of 199 number apartments comprising 63 number one-bed units and 136 number two-bed units from lower ground to sixth floor level.

Balconies are to be provided on Block A (south and southeast elevation), Block B (east elevation) and Block C (east and west elevations).

The proposed development includes for the demolition of 'Benoni' (circa 252 square metres - a habitable dwelling proposed for demolition to facilitate the proposed development and main vehicular access), together with the extant single storey buildings associated with the former Doyle's Nursery and Gardens (circa 690 square metres); vehicular access to the site is proposed at the location of the existing entrance to the new Doyle's Nursery Garden Centre facility adjoining the south of the subject site which is to be realigned and improved and which will serve both the Garden Centre and the proposed development (note: the new Garden Centre is not part of subject application site).

Car parking is to be provided in the form of on-curtilage car parking, on-street parking and a basement car park over three levels for 184 number spaces; the proposed development will also provide all ancillary and associated site development and landscape works including open space (circa 9,859 square metres) internal to the site, play areas, the removal of existing obstructions in the Cabinteely Stream adjoining the east of the site and the reprofiling of the riparian corridor located west of the stream, and the provision of two number Electricity Supply Board sub-stations (circa 44 square metres), and all necessary bin and bicycle storage including basement level stores for the apartment units.

The proposed development includes for measures to upgrade the Brennanstown Road including works within Dún Laoghaire Rathdown County Council owned lands from the location of the proposed site entrance northwards as far as the junction of the Brennanstown Road with the Bray Road at Cabinteely Village and these works

are to comprise road widening and realignment works, widening and resurfacing of the existing footpath located on the western side of the Brennanstown Road as per the Design Manual for Urban Roads and Streets guidelines to a maximum of circa 1.8 metres in width where physical constraints permit, the introduction of controlled pedestrian measures in the form of a four arm mini-roundabout at the proposed site entrance at the junction with the Brennanstown Road and Lambourne Wood Estate, the construction of a circa 2.5-metre wide pelican crossing at the north arm of this roundabout, the construction of a circa 2.5-metre wide raised crossing at the south arm of this roundabout, and the construction of a raised table at the junction of the Brennanstown Road and the Carraig Glen Estate further north of the subject site.

The proposed development also includes for improved pedestrian and cyclist connections comprising a pedestrian footbridge to a circa 21 metre span over the Cabinteely Stream at a location to the north east of the subject site to be of steel construction with recycled plastic non-slip boarding with circa 1.4-metre high safety railings providing connectivity for the site to Cabinteely Village, the Stillorgan Quality Bus Corridor, and Dún Laoghaire Rathdown County Council owned lands to the east of the subject site identified as a future walking and cycling route ('The Cabinteely Greenway'). The connectivity proposals also include for a new circa three-metre wide pedestrian and cycle shared surface path connecting the site into the Brennanstown Avenue Estate to the south of the site. The new shared surface path will be circa 55 metres long and connects into an existing footpath along Brennanstown Avenue.

All on lands measuring circa 1.85 hectares nett (circa 2.3 hectares gross including third party owned lands) bounded generally to the east by Cabinteely Stream, to the south by the new Doyle's Nursery and Garden Centre and residences at Brennanstown Avenue and to the west by the existing houses fronting on to Brennanstown Road at the Former Doyle's Nursery and Garden Centre and 'Benoni', Brennanstown Road, Cabinteely, Dublin 18.

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 site's location on lands with a zoning objective for residential development;
- (b) the policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- (e) 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;
- (f) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) the 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;

- (h) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) the Planning System and Flood Risk Management guidelines (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (j) the nature, scale and design of the proposed development;
- (k) the pattern of existing and permitted development in the area;
- (l) the submissions and observations received, including the submissions made to the oral hearing on the 10th day of June 2020 and written submissions on the 12th June 2020;
- (m) the Dún Laoghaire Rathdown Chief Executive's Report, and
- (n) the report of the Inspector.

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 urban area, the Appropriate Assessment Screening Report submitted with the application and 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 Screening

The Board completed an environmental impact assessment screening of the proposed development in relation to the criteria set out Schedule 7 to the Planning and Development Regulations 2001, as amended, having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

In completing the screening exercise, the Board adopted the report on the Inspector, the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an Environmental Impact Assessment Report for the proposed development was not necessary in this case.

Conclusion on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian and traffic safety and would be acceptable in terms of flood risk management. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that a grant of permission that could materially contravene the restriction on height in Dun Laoghaire Rathdown's Building Height Strategy , alteration of Flood Zone A within the site as specified in the Dun Laoghaire Rathdown Strategic Flood Risk Assessment (SFRA) and the upgrade of a section of the Brennanstown Road would be justified in accordance with sections 37(2)(b)(i),(ii) and (iii) of the Planning and Development Act 2000, as amended, having regard to -

- (a) the Government's policy to ramp up delivery of housing from its current under-supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016,
- (b) Objectives 3a, 3b, 10, 11 and 35 of the National Planning Framework,
- (c) section 5.8 of the 2009 Guidelines for Sustainable Residential Developments in Urban Areas issued in 2009
- (d) Section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued in March 2018
- (e) SPPR1 of the Guidelines for Planning Authorities on Urban Development and Building Height issued in December 2018,
- (f) Objective RPO 4.3 of the Regional Social and Economic Strategy for the Eastern and Midlands Region 2019-2031,

- (g) Urban Development and Building Heights – Guidelines for Planning Authorities’, (2018)
- (h) ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- (i) Section 5.2.5.2 (Policy CC15 Flood Risk Management) and section 8.2.10.4(ii) Applications for Larger Developments in areas at Risk of Flooding

all of which support denser residential development consisting of apartments on public transport corridors within the built-up area of Dublin city and its suburbs, and subject to the submission of a SSFRA and to meeting the Development Management Justification Test , as is proposed in this case.

The Board considered that a grant of permission that would materially contravene the Specific Local Objective 130 and ST 25 , the Development Plan’s Building Height Strategy, and specifically Section 4.7.1.1 of the SSFRA the Flood Risk Assessment and Flood Risk Management policy of the Dun Laoghaire Rathdown County Development Plan 2016-2022 which applies to the site would be justified in accordance with sections 37(2)(b)(i)(ii) and (iii) of the Planning and Development Act 2000, as amended, having regard to -

- (a) Objective 13 of the National Planning Framework 2018-2040
- (b) SPPR 1, SPPR 3 and section 3.2 of the Guidelines for Planning Authorities on Urban Development and Building Height issued in December 2018
- (c) ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- (d) The conflicting objectives in the Development Plan, specifically Section 4.7.1.1 of the SSFRA the Flood Risk Assessment and Flood Risk Management and Section 5.2.5.2 (Policy CC15 Flood Risk Management) and section 8.2.10.4(ii) Applications for Larger Developments in areas at Risk of Flooding

which state policy in favour of greater density and height at central accessible locations such as the current application site, subject to performance and development management criteria with which the proposed development would

comply and that out that larger developments in areas at risk of flooding require the submission of a SSFRA and must meet the Development Management Justification Test.

Furthermore, the Board agrees with the Planning Inspector and is satisfied that the proposed development meets the Development Management Justification Test in this instance however it considers that given the conflicting policies and the materiality of the contravention in relation to Section 4.7.1.1. contained in the Development Plan that it was appropriate to invoke Section 37(2)(b) (ii) in relation to this matter. The Board did not consider it appropriate to invoke Section 37(2)(b) (iv).

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars presented to the An Bord Pleanála at the oral hearing on the 10th day of June 2020 and received by An Bord Pleanála on the 15th day of June 2020 and the 17th day of June 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to proposals to safeguard the walls along the western side of Brennanstown Road during construction of the road improvement works, to be prepared by a Conservation Specialist.

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. 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 amenity of property in the vicinity and the visual amenity of the area.

5. Prior to commencement of development, proposals for a numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

6. 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 amenities of the area.

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

8. The works to Brennanstown Road shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of any of the proposed residential units.

Reason: In the interest of traffic safety.

9. The pedestrian bridge over the Cabinteely Stream and the pedestrian and cycle shared surface path, connecting the site into Brennanstown Avenue to the south of the site, shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of any of the proposed residential units.

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

10. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

- (b) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets.

- (c) Cycle tracks/paths within the development shall be in accordance with the guidance provided in the National Cycle Manual.

- (d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) The developer shall carry out a Stage 2 and Stage 3 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.

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

- 11. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 184 number clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

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

12. 488 number bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise 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.

13. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of 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.

14. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

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

15. 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 satisfactory standard of development.

16. The developer shall enter into water and/or waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

17. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority.
 - (a) Details of the planned pedestrian crossing and installation, a headwall shall be in accordance with agreed method statements.
 - (b) Methodology for the instream works for the removal of manmade barriers which shall be carried out in the fisheries open season (July to September).

Reason: To protect the Cabinteely Stream and its environment.

18. Surface water shall comply with the plans, particulars received by An Bord Pleanála on the 10th day of June 2020. The flood storage and flow path areas should not contain any Engineering, Architectural or Landscaping features that would have the potential for obstruction of flow paths. All Engineering, Architectural or Landscaping specification, schematic, drawings, etc, shall clearly show that unobstructed flow paths are being provided (in accordance with section 3.3.1 Appendix B of the Planning System and Flood Risk Management Guidelines).

Prior to the commencement of construction, the developer shall submit to the planning authority for its written agreement and an outline Construction Environmental Management Plan and a Programme of Works that provides for:

- (a) the completion of the proposed flood storage works and flood routing works in advance of other construction works, or other acceptable temporary proposal(s) supported by hydraulic analysis, such that it can be clearly demonstrated that the full flood storage routes are available at all stages of the proposed development and
- (b) the construction of the proposed bridge in such a manner that the full flood storage volumes and flood routes are available at all stages of the proposed development.

The developer shall thereafter, unless otherwise agreed with the planning authority, be required to construct the works in accordance with the agreed outline Construction Environmental Management Plan.

Reason: In the interests of public health and amenity.

19. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer 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 within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Arboricultural Assessment Report and accompanying documents. 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 shrub shall be carried out outside the bird-breeding season (1 March–31 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 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.

20. Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars, including the ecological impact assessment, bat survey and outline Construction Environmental Management Plan submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:
- (a) All buildings proposed for demolition and all mature trees proposed for felling shall be examined for evidence of bats prior to any works by a bat specialist, including an examination of internal roof features. If required, an National Parks and Wildlife Service derogation licence shall be obtained.
 - (b) Prior to commencement of development, the developer shall submit a letter from their bat consultants, stating that they are satisfied that the final design of the external illumination proposed will be to the required specification and that the proposed roosts and important bat corridors are not illuminated.
 - (c) After installation of the external lighting, a report shall be submitted, prepared by the bat specialist, for the written satisfaction of the planning authority, confirming that it is operating according to specification.

Reason: In the interest of protecting the environment and to address any potential impacts on biodiversity.

21. The site shall be landscaped in accordance with the submitted scheme of landscaping as amended by details submitted on the 10th day of June 2020, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interests of residential and visual amenity.

22. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

23. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

24. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

25. A final Site-Specific detailed Construction Environmental Management Plan shall be submitted for the written agreement of the planning authority at least five weeks in advance of site clearance and site works commence.

The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- 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) 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) Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, details and methodology for the rock extraction and excavation works. This shall include timeframes and proposals to deal with vibration and noise.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety and to protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding.

26. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive, 0800 to 1400 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.

27. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, 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 (in situ or by record) of any remains that may exist within the site.

28. Prior to first occupation of any of the units, the proposed pedestrian and cyclist links, including the footbridge shall be satisfactorily completed at the developer's expense and available for public use.

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

29. Prior to commencement of development, the developer 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority, or any other prospective party to the agreement, to the Board 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.

30. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement.

Reason: To provide for the orderly development of the site

31. 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 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 Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

32. The developer shall pay to the planning authority a financial contribution in respect of extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

