



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4238/19

APPEAL by BOC Gases of PO Box 201, Bluebell, Dublin against the decision made on the 9th day of July 2020 by Dublin City Council to grant subject to conditions a permission to Shorevale Investments Limited care of Tom Phillips and Associates of Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A 10-year permission for the demolition of two number single storey warehouse buildings (circa 12,800 square metres gross floor area), sub-divided to comprise eight number retail/retail warehouse units and full site clearance and the redevelopment of the Royal Liver Assurance Retail Park to provide a mixed-use development (comprising residential, office, crèche, community, retail, café /bar/restaurant, medical centre, pharmacy uses) and all ancillary works, comprising nine number buildings ranging in height from seven to 18 storeys over basement level, with a total gross floor area of circa 129,210 square metres, plus circa 38,399 square metres relating to ancillary car parking, bicycle parking, plant, waste storage facilities, storage, services, including at ground (sub-podium) and basement

levels. The residential component comprises 1,102 number units consisting of Build-to-Rent Residential Development comprising 992 number apartment units within Blocks B1, B2, C1, C2, E2, D1, F1, F2 (comprising four number studio units, circa 38 square metres gross floor area, 484 number one bedroom units (ranging in size from circa 49.2 square to circa 60.7 square metres gross floor area), 490 number two bedroom units (ranging in size from circa 75.3 square metres to circa 85.3 square metres gross floor area), 14 number three bedroom units (ranging in size from circa 100.0 square metres gross floor area to circa 101.5 square metres gross floor area), with resident support facilities, services and amenities at ground and upper floor levels (with a total gross floor area of circa 4,477 square metres, 110 number apartments within Blocks D2, E2 and F2 and Build-to-Rent Shared Accommodation comprising 203 number single occupancy bedrooms within Block E1, as described per block below:

- Block A (total gross floor area: circa 17,292 square metres): 18 storey building over basement level (overall height +circa 120.1 metres ordinance datum) fronting to Kylemore Road to the west, comprising office use (circa 17,002 square metres gross floor area) at ground to 16th floor levels, with ancillary plant rooms, toilets, changing rooms, storage, bicycle parking at basement level, one number café/bar/restaurant unit (circa 290 square metres gross floor area) at ground floor level and plant at 17th floor level;
- Block B1 (total gross floor area: circa 9,278 square metres): 12 storey building (overall height +circa 84.4 metres ordinance datum), comprising 90 number Build-to-Rent units (54 number one bed units and 36 number two bed units) at 2nd to 10th floor levels, with resident support facilities, services and amenities (circa 2,160 square metres gross floor area) including lounge, kitchen room, games room, post

area, admin suite, reception, office etc. at ground floor level, lounge, private dining room, quiet room, etc. at 1st floor level, resident's lounge, private dining room and external amenity area at 11th floor level, photovoltaic panels at roof level and with balconies on the north-western, eastern and southern elevations;

- Block B2 (total gross area: circa 8,963 square metres): 11 storey building (overall height +circa 81.65 metres ordinance datum), comprising 90 number Build to Rent units (four number studio units, 32 number one units and 54 number two bed units) at 1st to 9th floor levels, with resident support facilities, services and amenities (circa 949 square metres gross floor area) at ground floor level including, resident's foyer, quiet room, after school club, office, etc., multi-purpose hall and rooms (circa 268.5 square metres gross floor area), with external amenity area and photovoltaic panels at roof level and with balconies on the western, eastern and southern elevations,
- Block C1 (total gross floor area: circa 17,400 square metres): 11 storey building over basement level (overall height +circa 81.65 metres ordinance datum) comprising: 171 number Build-to-Rent units (100 number one bed units and 71 number two bed units) at 1st to 9th floor levels, with resident support facilities, services and amenities (circa 978 square metres gross floor area) including cinema room, fitness suite (gym), shower and changing rooms etc. (extending across Blocks C1 and C2) at ground floor level; with resident's lounge, external amenity area and photovoltaic panels at 10th floor (roof) level; one number café/bar/restaurant (circa 176.9 square metres gross floor area) with access from proposed public plaza/pedestrian route to west of Block C1, one number retail unit (circa 2,360 square metres gross floor area) at ground floor level of Block C1 and C2, with access from public

plaza/pedestrian route to west of Block C1, and from ground floor (sub-podium) level car park, accessed from proposed entrance on Old Naas Road and with balconies on the northern, western, eastern and southern elevations,

- Block C2 (total gross floor area circa 7,728 square metres): 11 storey building over basement level (overall height +circa 81.65 metres ordinance datum) comprising 89 number Build to Rent units (34 number one bed units and 55 number two bed units) at 1st to 9th floor levels, with external amenity area, green roof and photovoltaic panels at 10th floor level and with balconies on the western, eastern and southern elevations, Blocks B1, B2, C1 and C2 are located on the southern side of the site, adjacent to Naas Road,

- Blocks D1 and D2 are located on north-east of the site forming a single block and comprising:
 - Block D1 (total gross floor area: circa 7,498 square metres): 10 storey building over basement level (overall height +circa 77.0 metres ordinance datum), located to west of site, to the south of Block D2, comprising 87 number Build-to Rent-units (38 number one units and 49 number two bed units) at 1st to 8th floor levels with resident support facilities, services and amenities (circa 31 square metres gross floor area) (resident's lounge) and external amenity area at 9th floor level and with balconies on the western, eastern and southern elevations,

- Block D2 (total gross floor area: circa 11,080 square metres): 8 storey building over basement level (overall height +circa 73.45 metres ordinance datum) fronting to Old Naas Road to the north, comprising 106 number apartments (21 number one bed units, circa 49.2 square metres gross floor area, 64 number two bed units (ranging in size from circa 75.3 square metres to 83.1 square metres gross floor area) and 21 number three bed units (ranging in size from 100.0 square metres gross floor area to 101.5 square metres gross floor area) at ground to 7th floor level, one number crèche (circa 462 square metres gross floor area) with outdoor play area, with access from public pedestrian access route on the western side of Block D2 with green roof, photovoltaic panels, plant equipment at roof level and with balconies on the northern, western, eastern and southern elevations,
- Blocks E1 and E2 form a single block located to the west of the pedestrian route through the scheme and Block E2 located to the south of Old Naas Road, comprising:
 - Block E1 (total gross floor area: circa 8,742 square metres): eight to 10 storey building over basement level (overall height +circa 76.85 metres ordinance datum) comprising 203 number Build-to-Rent shared accommodation single occupancy bedrooms (ranging in size from circa 18.3 square metres gross floor area to circa 30.7 square metres gross floor area), with communal kitchen/dining/ living facilities to serve the residents at basement to 9th floor levels comprising one number fitness suite (gym) (circa 196.7 square metres gross floor area), one number cinema room (circa 64.1 square metres gross floor area),

residents dining area, lounge/reception areas at ground floor level, communal kitchen/ dining/living facilities (circa 134.8 square metres gross floor area) and one number reading room (circa 33.2 square metres gross floor area) at 1st, 4th, 7th floor levels, communal kitchen dining/living facilities (circa 115.2 square metres gross floor area) and one number games room (circa 33.2 square metres gross floor area) at 2nd, 3rd, 5th, 6th floor levels, communal kitchen/ dining/living facilities (circa 55.7 square metres gross floor area) at 8th and 9th floor levels, provision of communal amenity space at 8th floor level, one number café/bar/restaurant (circa 253.2 square metres gross floor area) (also publicly accessible from public square/pedestrian route to south of Block E1) at ground floor level and with balconies on the southern elevation,

- Block E2 (total gross floor area: circa 6,808 square metres): seven to eight storey building over basement level (overall height +circa 70.55 metres ordinance datum), comprising two number two bed apartments (circa 77.8 square metres gross floor area) at ground floor level and 78 number Build-to-Rent units (47 number one bed units and 31 number two bed units) at 1st to 7th floor levels with resident support facilities, services and amenities (circa 69 square metres gross floor area) (residential foyers) at ground floor level with external amenity area at 7th floor level, photovoltaic panels and plant equipment at roof level and with balconies on the northern, western, eastern and southern elevations,

- Block F1: (total gross floor area: circa 17,964 square metres): 9 storey building over basement level (overall height +circa 73.85 metres ordinance datum) located in the north-west of the site adjacent to junction of Old Naas Road/Kylemore Road comprising two number two bed apartments (circa 80.3 metres gross floor area) at ground floor level, 205 number Build-to-Rent units at ground to 7th floor levels, comprising (106 number one bed units, 85 number two bed units and 14 number three bed units) with resident support facilities, services and amenities (circa 177 square metres gross floor area) including residents foyers at ground and 8th floor levels, resident's lounge at 8th floor level, green roof, external amenity area at 8th floor level and with balconies on the northern, western, eastern and southern elevations,
- Block F2: (total gross floor area: circa 16,456 square metres): 10 storey building over basement level (overall height +circa 80.15 metres ordinance datum) adjacent to Kylemore Road to the west, pedestrian route/public plaza to the south, comprising 182 number Build-to-Rent units at ground to 9th floor levels comprising (73 number one bed units and 109 number two bed units) with resident support facilities, services and amenities (circa 113.2 square metres gross floor area) including residential foyers etc. at ground floor level, with external amenity area and plant equipment at roof level, one number pharmacy unit (circa 74.6 square metres gross floor area), one number medical centre (circa 237.2 square metres gross floor area) and one number café/bar/restaurant (circa 126.5 square metres gross floor area) at ground floor level, with access from proposed public square/pedestrian route to south of Block F2 and with balconies on the northern, western, eastern and southern elevations,

- the provision of 874 number car parking spaces (including 12 number car sharing spaces, 87 number car parking spaces suitable for electrical charging (electric vehicle spaces)), 37 number motor cycle parking spaces and 1,896 number bicycle parking spaces at grade level and at ground (sub-podium) and basement levels, served by two number access points from Old Naas Road as follows:
 - one number vehicular access, located to the east of Block F1 and west of Block E2, serving facilities at ground (sub-podium) level comprising 202 number car parking spaces (including one number public car park (112 number spaces), including five number car sharing spaces, 20 number electric vehicle spaces; 258 number bicycle parking spaces and at basement level comprising circa 307 number car parking spaces (including 31 number electric vehicle spaces, four number car sharing spaces), 574 number bicycle parking spaces, storage and plant areas,
 - one number vehicular access, located to the east of Blocks D1 and D2 providing access to ground (sub-podium) level, comprising circa 75 number car parking spaces (including eight number electric vehicle spaces) serving proposed retail unit at ground floor of Blocks C1 and C2, including loading yard, services access to waste storage area and providing access to basement level comprising circa 278 number car parking spaces (including 28 number electric vehicle spaces), 558 number bicycle parking spaces. The basement car park areas are inter-connected at basement level:

- 12 number car parking spaces on Old Naas Road (including three number car sharing spaces),
- 170 number bicycle parking spaces at basement level of Block A,
- provision of one number set-down/drop off area on Kylemore Road (to west of Block A) and one number set-down/drop-off area on Old Naas Road.

The development will also include areas of public, communal and private amenity open space at grade, podium and roof levels, provision of a landscaped public open space/pedestrian route through the site, with pedestrian access from Kylemore Road from the west of the site, Naas Road/ Kylemore Road to the south-west of the site and Old Naas Road to the north and all associated hard and soft landscaping (including play facilities, seating, boundary treatments and associated works), associated lighting, signage, site services (foul and surface water drainage and water supply), the provision of sustainable drainage system measures including two number attenuation tanks below basement level, 13 number substations at ground and basement levels and all other associated site excavation, infrastructural and site development works above and below ground, all on site of circa 3.79 hectares at the Royal Liver Assurance Retail Park, Old Naas Road, Dublin. The site is bounded by Kylemore Road (R112) to the west, Old Naas Road to the north, Naas Road (R810) to the south and “Brooks” (Building Providers) to the east. (As amended by the further public notice received by the planning authority on the 26th day of March 2020).

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 in an emerging urban area that is serviced and zoned for development under the Dublin City Development Plan 2016-2022,
- (b) the Naas Road Lands Local Area Plan 2013 and the extension of the period of that plan,
- (c) the nature, scale and design of the proposed development,
- (d) its proximity to public transport services and other facilities,
- (e) the pattern of existing and permitted development in the area,
- (f) the provisions of the Guidelines on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009,

- (g) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018,
- (h) the Guidelines on Urban Development and Building Heights issued by the Department of Housing Planning and Local Government in December 2018,
- (i) 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,
- (j) the submissions and observations received,
- (k) the decision of the planning authority, and
- (l) 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 (being a development of land within a zoned and serviced urban area), the Appropriate Assessment Screening Report submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, individually or in combination with other plans or projects, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment is not required.

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the Environmental Impact Assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public 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, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment report and associated documentation submitted by the applicant made in the course of the application.

The Board considers that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- (i) significant direct positive effects with regard to population, land and material assets arising from the additional housing and other accommodation that would be provided on the site, and
- (ii) the potential effects on air quality and from noise during construction which will be mitigated by appropriate monitoring and management measures.

The proposed development would not be likely to have significant effects on human health, biodiversity, soil, water, climate, cultural heritage or the landscape.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in Chapter 18 of the Environmental Impact Assessment report, and, subject to compliance with the conditions set out 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.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would make a positive contribution to the emerging character of the area, would provide a substantial amount of residential accommodation of an acceptable standard with a suitable range of commercial and community services, would not seriously injure the amenities of other properties in the vicinity and would be acceptable in terms of traffic and pedestrian safety and convenience. 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 set out section 16.7.2 of the Dublin City Development Plan 2016-2022 would be justified in accordance with sections 37(2)(a) 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, 10a, 10b, 11, 13 and 35 of the National Planning Framework,
- (c) section 5.8 of the 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 Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031, and
- (g) objectives SS01 and SS15 of the Dublin City Development Plan,

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, as is proposed in this case.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans submitted on the 21st day of February 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3.
 - (a) The buildings identified on the submitted plans and particulars as Blocks B1, B2, C1, C2, D1, E1, E2, F1 and F2 containing 992 number residential units and 203 number shared accommodation units shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and shall be used for long term rentals only.
 - (b) Prior to the commencement of development on site the developer shall submit for the written agreement of the planning authority details of the following in respect of each of the blocks permitted as the Build-to-Rent developments:
 - (c) The management company established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.
 - (d) A covenant or legal agreement which confirms that each block shall remain owned and operated by a single institutional entity as a Build-to-Rent scheme for a minimum period of not less than 15 years and that no individual residential units shall be let or sold separately in that period.
 - (e) Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit and agree in writing with the planning authority details of the ownership and management structures for the continued operation of the blocks as Build-to-Rent schemes. Any proposed amendment or deviation from the Build-to-Rent model authorised in this permission for those blocks shall require a separate grant of planning permission.

Reason: In the interests of orderly development and clarity.

4. The streets that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets in March 2013. All streets shall be local streets as set out in section 3.2.1 of Design Manual for Urban Roads and Streets whose carriageway shall not exceed 5.5 metres in width. 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 Design Manual for Urban Roads and Streets.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS.

5. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details of screens, planting or other physical means to provide adequate privacy for balconies and terraces that serve the permitted apartments as private open spaces.

Reason: In the interests of residential amenity.

6. Prior to the commencement of development, the developer shall consult with the planning authority and submit for the written agreement, details of any alterations to the public roads surrounding the site including road layout, traffic markings, pedestrian crossings and cycle path provision.

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

7. The materials, colours and finishes of the permitted buildings and the treatment of streets and open spaces shall be in accordance with the details submitted with the application, including the retail design guidelines, unless the prior written agreement of the planning authority is obtained to minor departures from those details.

Reason: In the interest of visual amenity.

8. Proposals for street names, numbering schemes and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

9. 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.

10. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. 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 within each block 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.

13. 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.

14. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

15. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

16. 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:
- (a) location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets,
 - (b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (c) details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
 - (d) 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, and
 - (e) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interests of amenities, public health and safety.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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. The developer shall facilitate the archaeological appraisal 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 a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

20. 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 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.

21. 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

Paul Hyde

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

Dated this day of 2020.