



An
Bord
Pleanála

Ordú Boird
Board Order
ABP-308401-20

na hAchtanna um Pleanáil agus
Forbairt 2000 go 2020

Planning and Development Acts
2000 to 2020

Údarás Pleanála: Comhairle
Cathrach na Gaillímhe

Planning Authority: Galway County
Council

Uimhir Thagartha i gClár Pleanála:
20/1005

Planning Register Reference
Number: 20/1005

Uimhir Thagartha an Bhoird
Phleanála: ABP-308401-20

An Bord Pleanála Reference
Number: ABP-308401-20

Achomharc ó Bhaile Uí Choirc
Fearainn Teoranta faoi chúram MKO,
Bhóthar Thuama, Gaillimh in aghaidh
cinneadh a rinne Comhairle Contae
na Gaillimhe ar an 16^ú lá de Mheán
Fómhair 2020 cead a dhiúltú don
fhorbairt bheartaithe.

Appeal by Baile Uí Choirc Fearainn
Teoranta care of MKO, Tuam Road,
Galway against the decision made on
the 16th day of September, 2020 by
Galway County Council to refuse
permission for the proposed
development.

An Fhorbairt Bheartaithe:

Foirgneamh lasmuigh ar an láithreán a scartáil agus scéim cbónaithe ilchineálach a thógáil, comhdhéanta de: (a) 48 uimhir aonad cónaithe nua comhdhéanta de: 13 (uimhir) aonad cónaithe cuidithe aon seomra leapa agus 1 (uimhir) aonad cónaithe dhá sheomra leapa do dhaoine scothaosta, 14 (uimhir) teach dhá stór dhá sheomra leapa, 1 (uimhir) teach dhá stór trí sheomra leapa, 4 (uimhir) theach sraithe trí stór trí sheomra leapa, 9 (uimhir) dteach lár sraithe dhá stór dhá sheomra leapa agus 6 (uimhir) theach deireadh sraithe trí sheomra leapa dhá stór, (b) creis, caifé pobail, páirceáil shlán do rothair, ardaitheoir seachtrach inrochtana do chathaoireacha rothaí agus stóir ghaolmhara d'araidí (c) tá tírdhreachú réimse poiblí san áireamh san fhorbairt a bheartaítear lena n-áirítear spás oscailte poiblí roinnte agus soilsiú poiblí, (d) rochtain nua do choisithe agus d'fheithiclí ó Bhóthar an Chlocháin N59 agus (e) gach seirbhís uisce dromchla agus draenála bréan agus naisc atá coimhdeach leis an bhforbairt chónaithe agus na hoibreacha forbartha láithreáin gaolmhara go léir

Proposed Development: Demolition of an existing outbuilding on site and construction of a mixed-use residential lead scheme of: (a) 48 number new residential units comprising of: 13 number one bedroom and 1 number two bed assisted living units for the elderly, 14 number two storey two bedroom duplex houses, 1 number three bedroom two storey duplex house, 4 number three bedroom three storey terrace houses, 9 number two bedroom two storey mid terrace houses and 6 number three bedroom two storey end terrace houses, (b) creche, community café, secure bicycle parking, external wheelchair accessible lift and associated bin stores, (c) the proposed development also includes public realm landscaping including shared public open space and public lighting, (d) a new pedestrian and vehicular access from the N59 Clifden Road and (e) provision of all associated surface water and foul drainage services and connections ancillary to the residential lead development and all associated site development works at Ballyquirke Moycullen, County Galway.

ag Baile Uí Chuirc, Maigh Cuillinn,
Contae na Gaillimhe.

An Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas de réir na bpleananna agus sonraí ráite bunaithe ar na cúiseanna agus na cúrsaí faoi agus faoi réir na gcoinníollacha atá leagtha amach thíos.

na hÁbhair Curtha san Áireamh

Agus a chinneadh á dhéanamh, d'fhéach an Bord do na nithe sin ar ceanglaíodh air, de bhua na nAchtanna um Pleanáil agus Forbairt agus na Rialachán a rinneadh fúthu, féachaint dóibh. Bhí aighneachtaí agus tuairimí a fuarthas de réir na bhforálacha reachtúla san áireamh sna nithe sin.

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.

Cúiseanna agus Tuisceanna

Ag féachaint do:

- (a) forálacha Phlean Forbartha Chomhairle Contae na Gaillimhe 2015-2022,
- (b) forálacha Phlean Limistéir Áitiúil Mhaigh Cuilinn 2013-2023,
- (c) an patrún forbartha atá ann ag an láthair seo,
- (d) dearadh, scála agus leagan amach na forbartha beartaithe, agus
- (e) na haighneachtaí agus na tuairimí ar chomhad,

meastar, faoi réir chomhlíonadh na gcoinníollacha atá leagtha amach thíos, go mbeadh an fhorbairt a bheartáítear de réir bheartas reatha an Phlean Forbartha, nach mbainfeadh sí ó thaitneamhachtaí amhairc an cheantair, go mbeadh sí inghlactha i gcomhthéacs taitneamhachtaí réadmhaoine tadhlacha, go mbeadh sí inghlactha i

Reasons and Considerations

Having regard to:

- (a) the provisions of the Galway County Council Development Plan 2015-2022,
- (b) the provisions of the Maigh Cuilinn Local Area Plan 2013-2023,
- (c) the existing pattern of development at this location,
- (d) the design, scale and layout of the proposed development, and
- (e) the submissions and observations on file,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the current Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties, would be acceptable in terms of traffic

dtéarmaí sábháilteacht tráchta agus áise agus go mbeadh sé inghlactha i gcomhthéacs bainistíochta riosca tuile agus draenáil uisce dromchla. Mar sin bheadh an fhorbairt atá beartaithe ag teacht le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

Scagadh do Mheasúnú Oiriúnachta

D'aontaigh an Bord le measúnú agus toradh an scagtha a rinneadh i dtuarascáil an Chigire gurb iad Limistéar faoi Chaomhnú Speisialta Loch Coirib (Cód Láithreáin: 000297), Limistéar faoi Chosaint Speisialta Loch Coirib (Cód Láithreáin: 004042), Limistéar faoi Chaomhnú Speisialta Choimpléasc Bhá na Gaillimhe (Cód Láithreáin: 000268) agus Limistéar faoi Chosaint Speisialta Bhá na Gaillimhe (Cód Láithreáin: 004031) na Láithreáin Eorpacha amháin a bhfuil sé de chumas ag an bhforbairt bheartaithe éifeacht shuntasach a bheith acu ina leith.

safety and convenience and would be acceptable in the context of flood risk management and surface water drainage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib Special Area of Conservation (Site Code: 000297), Lough Corrib Special Protection Area (Site Code: 004042), the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Measúnú Oiriúnachta

Bhreithnigh an Bord ráiteas tionchair Natura agus na cáipéisí gaolmhara a cuireadh isteach leis an iarratas, na bearta maolaithe atá ann, na haighneachtaí agus na tuairimí ar comhad, agus measúnú an Chigire. Rinne an Bord measúnú oiriúnachta ar impleachtaí na forbartha beartaithe do na Láithreáin Eorpacha lena mbaineann, is iad sin Limistéar faoi Chaomhnú Speisialta Loch Coirib (Cód Láithreáin: 000297), Limistéar faoi Chosaint Speisialta Loch Coirib (Cód Láithreáin: 004042), Limistéar faoi Chosaint Speisialta Choimpléasc Bhá na Gaillimhe (Cód Láithreáin: 000268) agus Limistéar faoi Chosaint Speisialta Bhá na Gaillimhe (Cód Láithreáin: 004031) i bhfianaise chuspóirí caomhnaithe na láithreán.

Mheas an Bord go raibh an fhaisnéis a bhí ann leordhóthanach chun gur féidir measúnú oiriúnachta a dhéanamh. Agus an measúnú oiriúnachta á chur i gcrích aige, bhreithnigh an Bord, go háirithe, na rudaí seo a leanas:

Appropriate Assessment

The Board considered the Natura impact statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lough Corrib Special Area of Conservation (Site Code: 000297), the Lough Corrib Special Protection Area (Site Code: 004042), the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) na tionchair dhíreacha agus indíreacha dóchúla a eascróidh as an bhforbairt bheartaithe ina n-aonair nó i gcomhcheangal le pleananna nó tionscadail eile,
- (ii) na bearta maolaithe a chuimsítear mar chuid den togra reatha, agus
- (iii) na cuspóirí caomhnaithe don Suíomh Eorpach.

Agus an measúnú oiriúnachta á chur i gcrích aige, ghlac an Bord leis an scagadh agus leis an measúnú oiriúnachta a rinneadh i dtuarascáil an Chigire maidir le héifeachtaí féideartha na forbartha beartaithe ar an Láithreán Eorpach thuasluaite, ag féachaint do chuspóirí caomhnaithe an láithreáin.

Mar chonclúid fhoriomlán, bhí an Bord sásta nach mbeadh drochthionchar ag an forbairt a bheartaítear, leis féin nó i gcomhcheangal le pleananna nó tionscadail eile, ar shláine na Láithreán Eorpach, i bhfianaise chuspóirí caomhnaithe na láithreán.

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Coinníollacha

1. Cuirfear an fhorbairt i gcrích de réir na bpleananna agus na sonraí a taisceadh leis an iarratas, a leasaíodh leis na pleananna eile a cuireadh isteach leis an achomharc ar an 13ú lá de Dheireadh Fómhair, 2020, ach amháin nuair is gá a mhalairt a dhéanamh chun na coinníollacha seo a leanas a chomhlíonadh. I gcás ina gceanglaíonn na coinníollacha sin sonraí a aontófar leis an údarás pleanála, aontóidh an forboirt na sonraí sin i scríbhinn leis an údarás pleanála sula dtosóidh an fhorbairt agus cuirfear an fhorbairt i gcrích de réir na sonraí aontaithe.

An chúis: Ar mhaithe le soiléire.

2. Beidh an meascán úsáidí a bheartaítear (cóimheas na n-úsáidí cónaithe agus tráchtála) de réir na líníochtaí a cuireadh faoi bhráid an údaráis pleanála an 21ú lá d'Iúil, 2020.

An chúis: Ar mhaithe le soiléire.

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 with the appeal on the 13th day of October 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. The mix of uses proposed (proportion of residential to commercial) shall be as per the drawings submitted to the planning authority on the 21st day of July, 2020.

Reason: In the interest of clarity.

3. Sula gcuirfear tús leis an bhforbairt, déanfaidh an forbróir comhaontú faoi Alt 47 den Acht Pleanála agus Forbartha, 2000, faoina soláthrófar cuid de na haonaid chónaithe mar áiteanna cónaithe do chainteoirí Gaeilge.

An chúis: Ar mhaithe leis an oidhreacht chultúrtha.

4. I nGaeilge a sholáthrófar gach comharthaíocht a bhaineann leis an bhforbairt bheartaithe.

An chúis: Ar mhaithe leis an oidhreacht chultúrtha.

5. Cuirfear sonraí na n-ábhar, na ndathanna agus na n-uigeachtaí i gcás gach bailchríche sheachtraigh, isteach chuig an údarás pleanála agus aontófar i scríbhinn iad, sula gcuirfear tús leis an bhforbairt.

An chúis: Ar mhaithe le taitneamhacht amhairc.

3. Prior to the commencement of development, the developer shall enter into an agreement under Section 47 of the Planning and Development Act, 2000, providing a portion of the residential units for the occupation of Irish speakers.

Reason: In the interest of cultural heritage.

4. All signage relating to the proposed development shall be provided in Irish.

Reason: In the interest of cultural heritage.

5. 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.

6. Comhlíonfaidh na sráideanna agus na hacomhail a thógfar agus / nó a chríochnófar de bhun an cheada seo na caighdeáin agus na sonraíochtaí atá leagtha amach sa Lámhleabhar Dearaidh do Bhóithre agus Sráideanna Uirbeacha (DMURS) a eisíodh in 2013.

An chúis: Ar mhaithe le sábháilteacht ar bhóithre agus chun a chinntiú go n-éascaíonn na sráideanna san fhorbairt údaraithe gluaiseacht trí chóiracha inbhuanaithe iompair de réir na gcaighdeán is infheidhme atá leagtha amach sa Lámhleabhar Dearaidh do Bhóithre agus do Shráideanna Uirbeacha.

7. Sula gcuirfear tús leis an bhforbairt, rachaidh an forbróir i gcomhairle leis an údarás pleanála agus cuirfidh sé isteach maidir leis an gcomhaontú i scríbhinn, sonraí faoi aon athruithe ar na bóithre poiblí mórthimpeall an láithreáin lena n-áirítear leagan amach na mbóithre, marcálacha tráchta,

6. The streets and junctions that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in the Design Manual for Urban Roads and Streets (DMURS) issued in 2013.

Reason: In the interest 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 Design Manual for Urban Road and Streets.

7. 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.

trasrianta coisithe agus soláthar
cosán rothar.

An chúis: Ar mhaithe le
taitneamhacht agus le
sábháilteacht coisithe agus
tráchta.

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

8. Cuirfear moltaí maidir le hainm an eastáit/na forbartha, scéim d'uimhriú na n-aonad agus an chomharthaíocht ghaolmhar isteach chuig an údarás pleanála agus aontófar iad i scríbhinn, sula gcuirfear tús leis an bhforbairt. As sin amach, cuirfear gach comhartha eastáit agus sráide, agus uimhreacha tí ar fáil de réir na scéime aontaithe. Beidh an t-ainm molta bunaithe ar ghnéithe staitiúla nó topagrafaíochta sa cheantar, nó ar mhalairtí a bheidh inghlactha don údarás pleanála.

An chúis: Ar mhaithe le
hinléiteacht uirbeach agus le
cinntiú go n-úsáidfear
logainmneacha atá oiriúnach don
cheantar le haghaidh áiteanna nua
cónaithe.

8. Proposals for street names, numbering scheme 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. Comhlíonfaidh socruithe draenála, lena n-áirítear maolú agus diúscairt uisce dromchla, an togra atá leagtha amach sna doiciméid / pleananna a cuireadh isteach leis an iarratas, lena n-áirítear na sonraí athbhreithnithe a cuireadh isteach leis an aighneacht achomhairc ar an 13ú lá de Dheireadh Fómhair, 2020 agus ceanglais an údaráis phleanála le haghaidh oibreacha agus seirbhísí den sórt sin.

An chúis: Ar mhaithe le sláinte an phobail.

10. Déanfaidh an forbróir comhaontú/uithé ceangal uisce agus/nó fuíolluisce le hUisce Éireann, sula gcuirfear tús leis an bhforbairt.

An chúis: Ar mhaithe le sláinte an phobail.

9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the proposal set out in the documents/plans submitted with the application, including the revised details submitted with the appeal submission on the 13th day of October, 2020 and the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

11. Faoi thalamh a shuífear gach cábla seirbhíse a ghabhann leis an bhforbairt bheartaithe (ar nós cáblaí leictreacha, teileachumarsáide agus teilifíse comhchoitinn). Cuirfidh an forbróir duchtra ar fáil le gur féidir bonneagar leathanbhanda a chur ar fáil mar chuid den fhorbairt bheartaithe.

An chúis: Ar mhaithe le sábháilteacht an phobail agus taitneamhachtaí cónaithe.

12. Déanfar plean ina mbeidh sonraí maidir le bainistíocht dramhaíola (agus go háirithe ábhair in-athchúrsáilte) san fhorbairt, lena n-áirítear áiseanna a chur ar fáil chun dramhaíl agus ábhair in-athchúrsáilte a stóráil, a leithroinnt agus a bhailiú agus d'oibriú leanúnach na n-áiseanna seo i ngach bloc a chur isteach chuig an údarás pleanála agus a aontú i scríbhinn leo sula gcuirfear tús leis an bhforbairt. Ina dhiaidh sin, bainistíofar an dramhaíl de réir an phlean aontaithe.

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.

An chúis: Chun soláthar a dhéanamh do bhainistíocht chuí dramhaíola agus go háirithe d'ábhair in-athchúrsáilte, ar mhaithe leis an timpeallacht a chosaint.

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

13. Forchoimeádfar na limistéir de spás oscailte poiblí a thaispeántar ar na pleananna taiscthe le haghaidh na húsáide sin. Déanfar na ceantair seo a thírdhreachú de réir na scéime tírdhreachaithe a cuireadh isteach. Críochnófar an obair seo sula gcuirfear aon cheann de na teaghaisí ar fáil lena n-áitiú agus déanfaidh an forbróir í a chothabháil mar spás oscailte poiblí go dtí go dtógfaidh an t-údarás áitiúil i gcúram é.

13. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with the landscaping scheme submitted. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

An chúis: Chun forbairt shásúil na limistéar spás oscailte pobail agus a n-úsáid go leanúnach don chuspóir seo a chinntiú.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. Bainistear tógáil na forbartha de réir Phlean Bainistíocht Tógála mionsonraithe, a chuirfear isteach chuig an údarás pleanála agus a aontófar leis i scríbhinn, sula gcuirfear tús leis an bhforbairt. Soláthróidh an plean seo sonraí faoin gcleachtas tógála beartaithe don fhorbairt, lena n-áirítear:

(a) suíomh an láithreáin agus na gcompún ábhar lena n-áirítear limistéir a sainaitníodh chun bruscar tógála a stóráil, limistéir le haghaidh oifigí láithreán tógála agus saoráidí foirne, fálú agus clársconsa slándála suímh agus áiseanna páirceála do charranna ar an láithreán le linn na tógála agus toirmeasc ar pháirceáil ar shráideanna cónaithe sa chomharsanacht,

(b) uainiú agus ródú an tráchta tógála chuig agus ón láithreán tógála agus an treo-chomharthaíocht ghaolmhar, lena n-áirítear tograí chun

14. 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

seachadadh ualaí
neamhghnácha ar an láithreán
a éascú, bearta chun scuainí
tráchtá tógála ar an líonra
bóithre tadhlach a chosc agus
bearta chun doirteadh nó
taisceadh cré, brabhlach nó
smionagar eile ar an ngréasán
bóithre poiblí a sheachaint,

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) mionsonraí maidir le bearta
maolaithe iomchuí a chur i
bhfeidhm maidir le torann,
deannach agus tonnchrith,
agus monatóireacht ar leibhéil
den sórt sin,

(c) details of the implementation of
appropriate mitigation measures
for noise, dust and vibration,
and monitoring of such levels,

(d) gach breosla agus ola a
bhaineann le tógáil a
choimeád laistigh de bhundaí
a tógadh go speisialta lena
chinntiú go gcoimeádtar
isteach go hiomlán aon
doirteadh breosla. Beidh díon
ar na bundáin sin chun nach
rachaidh uisce báistí isteach
iontu, agus

(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) modh le cinntiú go ndéantar rith chun srutha uisce dromchla a rialú sa chaoi is nach dtéann aon siolta nó truailleáin eile isteach i séaraigh nó draenacha áitiúla d'uisce dromchla.

(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.

Coinneoidh an t-údarás pleanála taifead de sheiceálacha laethúla go bhfuil na hoibreacha á ndéanamh de réir an Phlean Bainistíochta Tógála. Cuirfidh an forbróir sonraí teagmhála ar fáil don phobal chun gearáin a dhéanamh le linn na tógála agus soláthróidh sé taifead ar aon ghearáin den sórt sin agus ar a fhreagairt dóibh, a fhéadfaidh an t-údarás pleanála a iniúchadh freisin.

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.

An chúis: Ar mhaithe le taitneamhacht, sláinte agus sábháilteacht phoiblí.

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

15. Ní chuirfear forbairt láithreáin agus oibreachta tógála i gcrích ach amháin idir na huaireanta 0700 go 1900 Luan go hAoine agus an dá lá sin san áireamh agus idir 0800 go 1400 ar an Satharn. Ní bheidh aon obair ar siúl ar an Domhnach ná ar laethanta saoire poiblí. Ní cheadófar imeacht ó na hamanna seo ach amháin i gcásanna eisceachtúla ina gcuireann an t-údarás pleanála ceadú ar fáil roimh ré.

An chúis: Chun taitneamhachtaí cónaithe réadmhaoine sa chomharsanacht a chosaint.

16. Bainistíofar dramhaíl tógála agus scartála de réir phlean bainistíocht dramhaíola tógála agus scartála, a chuirfear isteach chuig an údarás pleanála agus a aontófar leis i scríbhinn, sula gcuirfear tús leis an bhforbairt. Ullmhófar an plean seo de réir na “Treoirínte Dea-Chleachtais maidir le Pleananna Bainistíochta Dramhaíola a Ullmhú do Thionscadail Tógála agus Scartála”, a d’fhoilsigh an Roinn

15. 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.

16. 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

Comhshaoil, Oidhreachta agus Rialtais Áitiúil i mí Iúil, 2006.

the Department of the Environment, Heritage and Local Government in July, 2006.

An chúis: Ar mhaithe le bainistíocht inbhuanaithe dramhaíola.

Reason: In the interest of sustainable waste management.

17. Éascóidh an forbróir breithmheas seandálaíochta den láithreán agus déanfaidh sé soláthar maidir le hábhair nó gnéithe seandálaíochta a d'fhéadfadh a bheith ar an láithreán a chaomhnú, a thaifeadadh agus a chosaint. Maidir leis seo, déanfaidh an forbróir:

17. 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) fógra i scríbhinn a thabhairt don údarás pleanála ceithre seachtaine ar a laghad sula dtosófar ar aon oibríocht láithreáin (lena n-áirítear imscrúduithe hidreolaíocha agus geoteicniúla) a bhaineann leis an bhforbairt atá beartaithe, agus

(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) seandálaí a bhfuil na cáilíochtaí oiriúnacha aici/aige a fhostú sula dtosófar ar an bhforbairt. Déanfaidh an seandálaí an láithreán a mheas agus monatóireacht a dhéanamh ar gach obair forbartha láithreáin.

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

Díreofar sa mheasúnú ar na saincheistanna seo a leanas:

The assessment shall address the following issues:

(i) cineál agus suíomh an ábhair seandálaíochta ar an láithreán, agus

(i) the nature and location of archaeological material on the site, and

(ii) tionchar na forbartha beartaithe ar an ábhar seandálaíochta sin.

(ii) the impact of the proposed development on such archaeological material.

Cuirfear tuarascáil, ina mbeidh torthaí an mheasúnaithe, faoi bhráid an údaráis phleanála agus, ag eascairt ón measúnú seo, aontóidh an forbróir i scríbhinn leis an údarás phleanála sonraí maidir le haon riachtanais seandálaíochta breise (lena n-áirítear, más gá, tochailt seandálaíochta) sula gcuirfear tú leis na hoibreacha tógála.

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.

Mura ndéantar comhaontú ar aon cheann de na ceanglais seo, tarchuirfear an t-ábhar chuig an mBord Pleanála lena chinneadh.

An chúis: Chun oidhreacht seandálaíochta an cheantair a chaomhnú agus chun aon iarsmaí seandálaíochta a d'fhéadfadh a bheith ar an láithreán (in-situ nó de réir taifid) a chaomhnú.

18. Sula gcuirfear tús leis an bhforbairt, déanfaidh an forbróir éarlais airgid thirim, banna ó chomhlacht árachais, nó urrús eile a thaisceadh leis an údarás pleanála chun bóithre, cosáin, príomhphíobáin uisce, draenacha, spás poiblí oscailte agus seirbhísí eile is gá i dtaca leis an bhforbairt a chur á soláthar agus á gcríochnú go sásúil go dtí go dtógfaidh an t-údarás áitiúil i gcúram iad, mar aon le comhaontú a chumhachtaíonn don údarás pleanála an t-urrús sin nó cuid de a chur i bhfeidhm chun aon chuid den fhorbairt a chur á críochnú go sásúil. Beidh foirm agus méid an urrúis mar a aontófar é idir an t-

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.

18. 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

údarás pleanála agus an forbróir, nó in éagmais comhaontú, cuirfear ar aghaidh chuig an mBord Pleanála é lena chinneadh.

An chúis: A chinntiú go gcuirfear an fhorbairt i gcrích agus go gcothabhálfar go sásúil é go dtí go dtógfar an fhorbairt i gcúram

19. Íocfaidh an forbróir leis an údarás pleanála ranníocaíocht airgeadais maidir le bonneagar agus saoráidí poiblí a théann chun leasa forbartha i gceantar an údaráis pleanála a chuirtear ar fáil nó atá ceaptha le cur ar fáil ag nó thar ceann an údaráis de réir théarmaí na Scéime don Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht um Pleanáil agus Forbairt 2000, leasaithe. Íocfar an ranníocaíocht sula gcuirfear tús leis an bhforbairt nó ina thráth-íocaíochtaí de réir mar a éascóidh an t-údarás pleanála agus beidh sí faoi réir aon fhorálacha ábhartha innéacsaithe den Scéim ag uair na híocaíochta. Aontófar sonraí chur i bhfeidhm théarmaí na Scéime idir an t-údarás pleanála agus an

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.

19. 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

forbróir nó, mura ndéantar comhaontú den sórt sin, tarchuirfear an cheist don Bhord Pleanála chun cuíchur i bhfeidhm théarmaí na Scéime a chinneadh.

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.

An chúis: Is ceanglas den Acht Pleanála agus Forbartha 2000, arna leasú, é go gcuirfí coinníoll a éilíonn ranníocaíocht de réir na Scéime Ranníocaíochta Forbartha arna dhéanamh faoi alt 48 den Acht i bhfeidhm ar an gcead.

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.

Terry Prendergast

Comhalta den Bhord Pleanála atá údaraithe go cuí chun séala an Bhoird a fhíordheimhniú

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

Dátaithe ar an

lá seo de

2021