



Planning and Development Acts 2000 to 2020

Planning Authority: Cork City 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 17th day of December 2020 by Land Development Agency care of Tom Phillips and Associates of 80 Harcourt Street, Dublin.

Proposed Development comprises of the following:

A development, with a total gross floor area of circa 24,344 square metres, will provide 266 number residential units, a crèche and office enterprise centre.

The demolition of:

- 2,901 square metres of former hospital buildings and associated outbuildings including the demolition of the 1,129 square metre former two storey Saint Dymphna's Hospital block,
- 672 square metres of the rear toilet blocks and contemporary stair cores to the side and rear of the Saint Kevin's Hospital building,
- the 220 square metre two storey former Doctors House,
- the 50 square metre one storey hospital mortuary building,
- 480 square metre of shed buildings to the rear of the Chapel,

- the 151 metre retaining wall to the immediate south of the Saint Kevin's Hospital building and the partial demolition of the existing 350 square metre link corridor structure, to be replaced with an integrated landscaped amenity area in the footprint of the original structure,
- Two number new 228 square metre extensions with bridge access are to be provided to the rear of the Saint Kevin's Hospital Building,
- Two number 31 square metre new glazed porch extensions to the south.

The construction of:

- 46 number town houses (32 number three-bedroom units and 14 number four-bedroom units) arranged in 11 number two storey blocks,
- 54 number ground floor two-bedroom duplex apartments and 36 number three-bedroom and 18 number four-bedroom duplex townhouses above arranged in seven number three storey blocks,
- 52 number walk up apartments (11 number one-bedroom apartments and 41 number two-bedroom apartments) arranged in three number four storey blocks.

The development will include the stabilisation, conversion, renovation and internal reordering (including new structural frame and floors) of the former Saint Kevin's Hospital building to provide 60 number apartments (26 number one-bedroom and 34 number two-bedroom apartments), a 440 square metre crèche at ground floor level, with ancillary outdoor play area and the conversion of the 630 square metre former chapel building to provide a new Office Enterprise Centre. The proposed development will include 241 number surface car parking spaces and 563 number bicycle parking spaces.

The development will also include the provision of a play area to the immediate east of Saint Kevin's Hospital; private, communal and public open space including all balconies and terraces at all levels; internal roads and pathways; pedestrian access points; hard and soft landscaping; boundary treatments including the repair of some existing boundary walls; the provision of new surface water and foul drainage pipes and any associated pipe diversion works; new retaining walls; a new internal access road; changes in level; services provision and related pipework; electric vehicle charging points; attenuation tanks; Sustainable Drainage Systems; signage; the upgrading of the existing access from Beechtree Avenue; public lighting and all site development and excavation works above and below ground all located on lands located at the Former Saint Kevin's Hospital and Grounds, Shanakiel, Cork (A Protected Structure, 'Our Lady's Hospital' Record of Protected Structure Reference Number PS620).

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) The location of the site in an established urban area, within an area zoned for residential development,
- (b) The policies and objectives as set out in the Cork City Development Plan 2015-2021,
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (d) The provisions of Project Ireland 2040 National Planning Framework, which identifies the importance of compact growth,
- (e) The provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (f) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020,
- (g) The provisions of 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 2019, as amended,
- (h) The provisions of the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (i) The provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,
- (j) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure,
- (k) The pattern of existing and permitted development in the area,

- (l) The provisions of section 37(2)(b) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan,
- (m) The submissions and observations received,
- (n) The Chief Executive's Report submitted by Cork City Council,
- (o) The report of the Planning 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 Screening Report for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Report Screening document submitted by the developer, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the residential, childcare and office enterprise unit development on lands zoned 'ZO 4' for residential, local services and institutional uses within the Cork City Development Plan 2015-2021, and the results of the Strategic Environmental Assessment of this Plan,
- the existing development and history of the site,
- the pattern of development in the surrounding area,
- the availability of mains water and wastewater services to serve the proposed development,
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,
- the provisions of the guidance set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003),
- the criteria as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- the features and the measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Environmental Management Plan and the Ecological Impact Statement.

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 and that the preparation of an environmental impact assessment report would not, therefore, be required in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible urban 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 and would be acceptable in terms of impacts on an area of high-landscape value, protected views, a protected structure and buildings of architectural merit, traffic and pedestrian safety and convenience, ecology, flood risk and drainage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Cork City Development Plan 2015-2021 in relation to public open space provision. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission, in material contravention of the Cork City Development Plan 2015-2021, would be justified for the following reasons and consideration.

- The application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and the Project Ireland 2040 National Planning Framework fully support the need for urban infill residential development, such as that proposed on this site. Accordingly, the provisions as set out under section 37(2)(b)(i) of the Planning and Development Act 2000, as amended are applicable.

- Objective 16.3 of the Cork City Development Plan 2015-2021 addressing urban design requirements, specifically those minimum requirements for 20% public open space on 'Institutional Sites or Sites forming the setting to a Building of Significance', as set out in Table 16.2 of the Development Plan, are clear and not in conflict with other standards and elements of the Development Plan. Accordingly, the provisions as set out under section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended are not applicable.
- The Regional Spatial and Economic Strategy for the Southern Region supports compact growth and recognises the housing potential of brownfield sites in Cork. 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, support increased densities in appropriate locations and the proposal has been assessed to comply with same. Accordingly, the provisions set out under section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended are applicable.
- With regards to the pattern of development and permissions granted in the area since the adoption of the Development Plan, of particular relevance, is the permission granted by An Bord Pleanála Reference Number ABP-300690-18 and planning authority register reference number 17/37279 for 234 number apartments on The Former Good Shepherd Convent site, 725 metres to the northeast in Sunday's Well, Cork. When including the landscape preservation zone (ZO 12) measuring approximately 0.7 hectares as part of the 0.85 hectares overall open space provision on this 3.16 hectare site, 27% of the site was considered to form public open space in compliance with the minimum 20% requirement for Institutional Sites or Sites forming the setting to a Building of Significance set under Table 16.2 of the Development Plan. Should a similar approach to the quantification of the overall provision of public open space be undertaken for the subject development, 45% of the site would be allocated as public open space, which would be well in excess of the minimum public open space required. Accordingly, the provisions set out under section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended are applicable.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, and the 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. The proposed development shall be amended as follows:
 - (a) Ground floor apartment T06 in Block T shall be omitted and ancillary space for the walk up apartments shall only be provided in its place with revised elevations,
 - (b) A revised house type for plot number M01 shall be provided, omitting the first floor rear south facing elevation windows and shall comply with all relevant standards,
 - (c) Omission of the dedicated bin stores serving the duplex apartments, walk up apartments and houses, to be replaced by on site secure communal bin stores,
 - (d) The proposed woodland walk on the northern boundary with Beechfield Avenue shall be extended to provide a pathway to the site boundary that would provide for a future potential level connection to the adjoining lands to the west,

- (e) The six metre wide carriageway to the local road fronting blocks M, L and K shall be reduced to 5.5 metres in width and the omitted area shall be provided for soft landscaping or pedestrian permeability in compliance with the Design Manual for Urban Roads and Streets,
- (f) The six metre wide carriageway from the central three arm junction west of Block J leading to the future potential vehicular access to the reservoir lands, shall be reduced to a maximum width of 5.5 metres and perpendicular parking shall be omitted from along the northern side of this stretch of local road, to be replaced by parallel parking with a pedestrian path and a landscaped verge along the northern boundary abutting the reservoir lands, in compliance with the Design Manual for Urban Roads and Streets.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity, traffic and pedestrian safety.

- 3. Details of the materials, colours and textures of all the external finishes to the proposed houses and apartment blocks 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. The developer shall comply with the following requirements in relation to the proposed restoration of Saint Kevin's Hospital, a protected structure, which shall be carried out in accordance with the provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011:
 - (a) The replacement of any brickwork or any works of repointing shall be undertaken so that it matches the original existing wall finish and shall be in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
 - (b) The existing roof slates, chimney stacks and pots shall be retained, any replacement roof slates shall match the existing,
 - (c) Where possible the remaining rainwater goods and bargeboard shall be repaired and reused, the replacement rainwater goods and bargeboard shall match the original in terms of design and materials,
 - (d) Replacement windows shall be modelled on surviving windows and shall matched in dimensions, opening mechanism, profiles and materials.

Detailed elevation plans and particulars to a scale of not less than 1:500, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure an appropriate standard of restoration works for the protected structure.

5. Prior to commencement of development, detailed structural plans and particulars and a construction methodology statement indicating the means proposed to ensure the protection of the structural stability and fabric of all retained structures shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures.

6. All works to Saint Kevin's Hospital; the link corridor and Saint Kevin's Chapel shall be carried out under the supervision and in accordance with the requirements of a qualified professional with specialised conservation expertise (Royal Institute of the Architects of Ireland Grade 2 or higher).

Reason: To secure the authentic preservation of these structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

7. A Quality Audit, incorporating a Street Design Audit in accordance with Advice Note 4 of the Design Manual for Urban Roads and Streets, shall be undertaken in respect of the development. The scope of the audit shall be submitted to and agreed in writing with the planning authority and shall include gradients along internal access routes. All findings of the audit shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of pedestrian and cycle safety and convenience.

8. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the planning authority for agreement.
- (b) The development hereby permitted shall not be made available for occupation by the developer until such time as all enabling infrastructure, including the interface along Beechtree Avenue, are completed to the written satisfaction of the planning authority.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings and the satisfactory completion of the overall development.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban roads and Streets. Perpendicular parking bays shall be limited to six perpendicular spaces with substantive planting segregating these bays.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

10. A Stage 2, 3 and 4 Road Safety Audit shall be undertaken in respect of the proposed development. The audits and associated design responses shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of road safety.

11. 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 visual amenities of the area.

12. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

13. Proposals for a development naming and numbering scheme, and associated signage, including for the office enterprise unit, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and dwelling 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. No advertisements or marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

14. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Six number clearly identified car parking spaces for the office enterprise unit, six number clearly identified car parking spaces for the childcare facility and four number clearly designated spaces for car share use shall be assigned permanently. Off street loading bays and set down areas for the childcare facility and office enterprise unit, shall be identified and allocated for these uses. Residential car parking 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 car parking shall be continually managed.

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

15. Prior to the occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents and 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. The strategy shall be subject to annual review with the planning authority.

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

16. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit 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.

17. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water. The developer must demonstrate separation distances can be achieved prior to commencement of any works on site in respect of minimum horizontal distance between the existing Irish Water infrastructure to the new buildings and structures.

Where a diversion is required, the developer must enter into a diversion agreement with Irish Water prior to commencement of any works on site.

Reason: In the interest of public health.

18. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

- (c) Upon Completion of the development, a Stage 3 - Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

19. Public lighting shall be provided in accordance with a scheme, which shall include lighting along finalised pedestrian routes through open spaces and the mitigation measures to address impacts on bats, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take account of existing public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

Reason: In the interests of amenity and public safety.

20. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

21. (a) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, including the Landscape Architecture and Public Realm Design Report, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.
- (b) Further details of the boundary treatment along the public realm to the balconies and terraces serving duplex apartments and along the south side of plot number J01 and north side of plot number I01, including the provision of permanent planted privacy strips and defensible space, shall be submitted to and agreed in writing with the planning authority.
- (c) Further details of the screens shall be provided between adjoining balconies and terraces serving duplex apartments and walk-up apartments, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

22. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the houses/apartments are made available for occupation.

Reason: In order to ensure the satisfactory development of the public open space areas.

23. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees identified for protection and retention on Tree Survey Drawing Number 20.02.SKH.01A sheet 1 and 20.02.SKH.01A sheet 2, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees, shrubs, hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

24. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

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

25. Prior to commencement of development the developer shall submit, for the written agreement of the planning authority, a schedule of Ecological Avoidance, Remedial and Alleviation Measures, as detailed in Section 6 of the Ecological Impact Assessment (dated December 2020) submitted with the application. The schedule shall set out the timeline for implementation of each measure and assign responsibility for implementation. All of the mitigation measures shall be implemented in full and within the timescales stated.

Reason: In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

26. Trees to be removed on site shall be felled in late summer or autumn outside bird nesting season and winter (bat hibernation). Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of nature conservation.

27. Bat roosts shall be incorporated into the site and the recommendations of the Bat Assessment and Ecological Impact Report shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority.

Reason: To ensure the protection of the natural heritage on the site.

28. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse and 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) Details of the management company contract, and plans and particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

29. (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 secure communal bin stores for the development, the locations and designs of which shall be included in the details to be submitted.

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

30. 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 and shall undertake a pre and post construction survey for potential burial grounds on site.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site and surrounding area,
- (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 and protection of any archaeological remains that may exist within the site.

31. 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.

32. 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,
 - (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, cyclists 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 measures to mitigate vibration from construction activity in accordance with of British Standards 6841: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1 hertz to 80 hertz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- (j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels,
- (k) 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,
- (l) Off-site disposal of construction and demolition waste and details of how it is proposed to manage excavated soil,
- (m) Details of the implementation and monitoring of measures set out in the Invasive Alien Plant Species: Site Assessment Report and Management Plan, including locations of on-site underground containment cells for the bio-secure removal of infested soils,

- (n) Means to ensure that surface water runoff is controlled such that no silt or other pollutants enter local surface water sewers or drains,
- (o) 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.

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

33. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

34. 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.

35. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

