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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 28<sup>th</sup> day of May 2021 by Puddenhill Property Limited care of BMA Planning of Taney Hall, Eglinton Terrace, Dundrum, Dublin.

**Proposed Development comprises of the following:**

A total of 55,523 square metres gross floor area in four blocks (Blocks 1 to 4) including: 590 number residential units comprising 234 number one-bed units, 316 number two-bed units and 40 number three-bed units (totalling 53,881 square metres), non-residential floorspace including two number retail and commercial units (350 square metres), four number offices suites (224 square metres), a health and medical centre (526 square metres) and a creche (542 square metres) all totalling 1,642 square metres and all associated roads, streets, public spaces and services infrastructure. Blocks 1 and 2 are located above a shared single level basement with Block 4 also above a single level basement. The development is described as follows on a block by block basis:

Block 1 (19,821 square metres gross floor area): 211 number apartment units (comprising 91 number one-bed units, 106 number two-bed units and 14 number three-bed units) with ancillary accommodation, terraces, balconies and a roof garden in a two to ten storey block. Block 1 ground floor level includes one number retail and commercial unit (170 square metres), three number offices suites (160

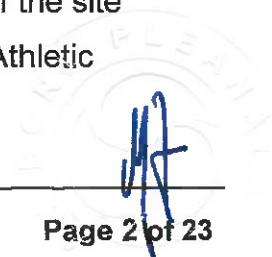
square metres) and a creche (542 square metres) with external play area at ground and first floor levels all fronting onto a proposed pedestrian boulevard.

Block 2 (18,209 square metres gross floor area): 184 number apartment units (comprising 57 number one-bed units, 123 number two-bed units and four number three-bed units) with ancillary accommodation, terraces, balconies and a roof garden in a two to seven storey block. Block 2 ground floor level includes one number retail and commercial unit (180 square metres), one number office suite (64 square metres) and a health and medical centre (526 square metres) all at ground floor level fronting onto the proposed pedestrian boulevard.

Block 3 (8,021 square metres gross floor area): 95 number apartment units (comprising 54 number one-bed units, 34 number two-bed units and seven number three-bed units) with ancillary accommodation, terraces and balconies in an eight storey block.

Block 4 (9,472 square metres gross floor area): 100 number apartment units (comprising 32 number one-bed units, 53 number two-bed units and 15 number three-bed units) with ancillary accommodation, terraces, balconies and a roof garden in a two to six storey block.

Vehicular access to serve the proposed development will be provided from Charlestown Place via the southern arm of the existing signalised junction which is proposed to be upgraded. The existing pedestrian access from the Charlestown Shopping Centre across Charlestown Place is proposed to be relocated to the west to align with the proposed internal pedestrian boulevard within the current application site and the existing internal street within the Charlestown Centre. Permission is also sought for associated reconfiguration of the central median on Charlestown Place and the existing footpaths, cycle tracks, bus stops, taxi rank and hard and soft landscaping on the northern and southern edges of Charlestown Place and south of the Charlestown Shopping Centre. Pedestrian and cycle access is also proposed via a new entrance on Saint Margaret's Road. Provision is also made for vehicular access from Charlestown Place through the site to McKelvey Celtic Athletic Football Club playing pitch at the south eastern corner of the site including relocation of the existing gated entrance to McKelvey Celtic Athletic



Football Club playing pitch and a future access to the undeveloped greenfield site to the west.

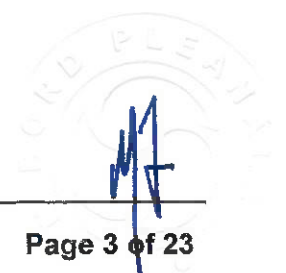
Permission is also sought for 515 number car parking spaces and 1,068 number cycle parking spaces at basement and surface levels, bin storage areas, Electricity Supply Board substations, plant and public lighting, boundary treatments, surface water drainage infrastructure including connection to the attenuation tank permitted by Fingal County Council Register Reference Number F19A/0146 and located beneath a proposed central landscaped public open space of circa 4,737 square metres, a linear public open space of circa 1,848 square metres and all associated site development and infrastructure works including demolition of the existing temporary surface car park all located at Charlestown Place and Saint Margaret's Road, Charlestown, Dublin 11 (lands generally bounded by McKelvey Avenue and McKelvey Celtic Athletic Football Club playing pitch to the south, Saint Margaret's Road to the east, Charlestown Place to the north and an undeveloped greenfield site to the west).

## **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**

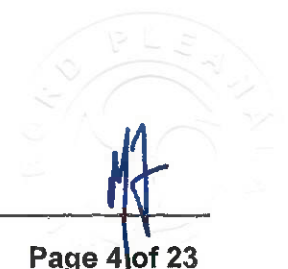
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



## Reasons and Considerations

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

- (a) The policies and objectives as set out in the Fingal Development Plan 2017-2023;
- (b) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (d) 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;
- (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 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;
- (h) The nature, scale and design of the proposed development;
- (i) The availability in the area of a wide range of social, community and transport infrastructure;
- (j) The pattern of existing and permitted development in the area;
- (k) The planning history within the area;
- (l) The submissions and observations received;



- (m) The Chief Executive's Report of Fingal County Council, and
- (n) 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 site, the information for the Screening Report for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted with the application;
- (c) The reports and submissions received from observers and prescribed bodies;
- (d) The Inspector's report;

The Board agreed with the summary of the results of consultations and information received in the course of the environmental impact assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the developer and the submissions made in the course of the application as set out in the Inspector's Report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.



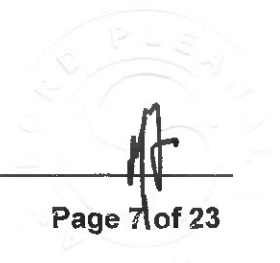
## **Reasoned Conclusions on the Significant Effects:**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the developer, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction and Demolition Waste and By-Product Management Plan and Outline Construction Traffic Management Plan are the overarching general mitigation embedded in the project design and delivery for the construction stage. The main significant effects, both positive and negative are:

- A positive impact with regard to population and material assets due to the increase in housing stock that would be made available in the city.
- Traffic and Transport: Potential for moderate short term impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area and any potential impact will be mitigated by way of design and implementation of the Car Parking and Mobility Management Strategy for the development.
- Landscape and Visual Impacts: There will be changed views from various locations given the change from a largely vacant brownfield or greenfield site to a high density residential development with mix of uses. The lands are zoned for town and district centre development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider evolving town centre area. The potential impact will be mitigated by the design, retention of specified trees and hedgerows along the southern boundary, and proposed landscaping. The proposed development would not have a significant negative impact on the landscape.

- Biodiversity Impacts: Potential impacts will be mitigated by a range of measures identified in the Environmental Impact Assessment Report, including the retention of a treeline and hedgerow along the southern boundary. The proposed development would not have a significant negative impact on biodiversity.
- Potential impacts on water are proposed to be mitigated by construction management measures and implementation of Sustainable Drainage System measures.
- Potential impacts on air quality and climate will be mitigated by measures set out in the Environmental Impact Assessment Report.
- Potential effects arising from noise and vibration during construction will be mitigated by appropriate management measures.

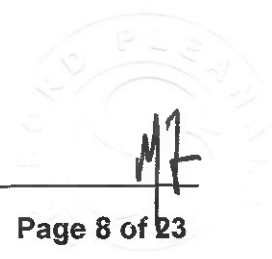
The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the environmental impact assessment report and, subject to compliance with the conditions set out herein, 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 constitute an acceptable residential density in this 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 traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In relation to the number of apartments per floor per stair lift core, the Board considers that the proposed development would be a material contravention of Objective DMS23 of the Fingal Development Plan 2017-2023, which applies to the site. In accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to Specific Planning Policy Requirement 6 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, the proposed number of apartments per floor per core complies with Specific Planning Policy Requirement 6 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 as a maximum of 12 apartments per floor per core may be provided in apartment schemes. Compliance with Specific Planning Policy Requirement 6 is mandatory under section 28(1C) of the Planning and Development Act 2000, as amended. Permission should not be refused, therefore, on the basis of a material contravention of Objective DMS23 of the development plan which requires a lesser number of apartments per floor per core. A grant of permission in contravention of that provision would therefore be justified under section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, to give effect to guidelines on 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.





## Conditions

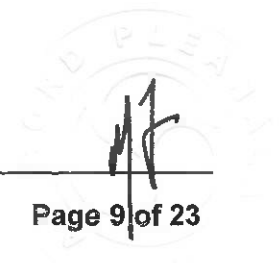
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report, as set out in Appendix 1A of the Environmental Impact Assessment Report 'Table of Mitigation and Monitoring Measures' shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. Prior to commencement of any works on site, revised details shall be submitted with regard to the following:
  - (a) Privacy screens between balconies of the apartments.
  - (b) Privacy screens, including height and materials, to all of the roof terraces.
  - (c) Full details of proposed green roof.



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

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

4. Access to the roof terraces shall be restricted to residents of the scheme between the hours of 0700 and 2200 Monday to Sunday.

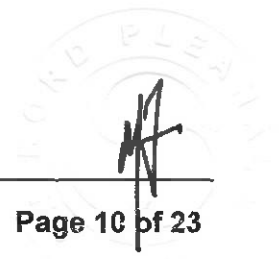
**Reason:** In the interests of residential amenity.

5. Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.

**Reason:** To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes, including pavement finishes and bicycle stands, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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



7. The two number retail and commercial units permitted shall be used solely for purposes in accordance with Class 1 and Class 2 of Part 4, Schedule 2 of the Planning and Development Regulations 2001, as amended. The office suites permitted shall be used solely for purposes in accordance with Class 2 or 3 of Part 4, Schedule 2 of the Planning and Development Regulations 2001, as amended. The health and medical centre permitted shall be used solely for purposes in accordance with Class 8(a) of Part 4, Schedule 2 of the Planning and Development Regulations 2001, as amended.

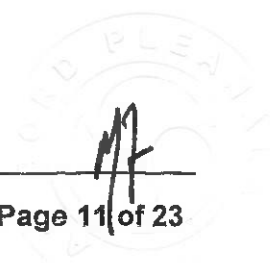
**Reason:** In the interest of clarity.

8. Details of all external shopfronts, lighting, signage and internal security shuttering shall be as submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial or retail units. No external security shutters shall be erected for any of the commercial premises unless authorised by a further grant of planning permission.

**Reason:** In the interest of the amenities of the area and visual amenity.

9. 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.



10. No additional development shall take place above roof parapet level of the apartment buildings, other than that allowable under Condition Number 3(c), 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, and to allow the planning authority to assess the impact of any such development through the planning process.

11. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

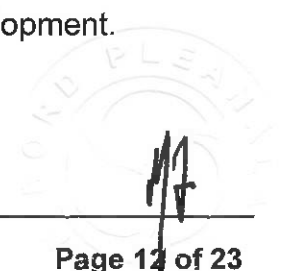
**Reason:** In the interest of urban legibility.

12. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development or installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

13. 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.

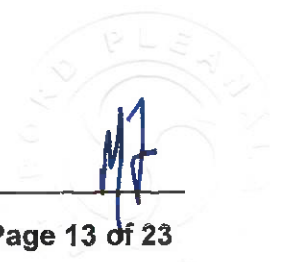


14. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and also to prevent inappropriate commuter parking.

15. Details of the bicycle parking space location, layout, access to the basement, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

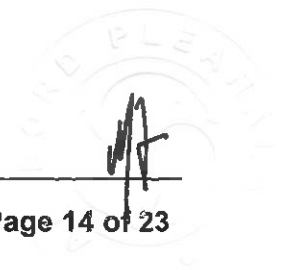


16. A Quality Audit which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out in accordance with the Design Manual for Urban Roads 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, and Transport Infrastructure Ireland standards. Where the audit identified the need for design changes revised design details should be submitted to and agreed in writing with the planning authority. The developer shall carry out necessary works in accordance with the agreed revised design. The Stage 2 Audit reports shall be submitted for the written agreement of the planning authority prior to the commencement of development.

**Reason:** In the interest of the proper planning and sustainable development of the area.

17. The developer shall comply with all requirements of the planning authority in relation to all works to be carried out on the public road/footpath, and areas to be taken in charge. Provision for cyclists shall comply with latest National Cycle Manual and 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.

**Reason:** In the interest of the proper planning and sustainable development of the area.

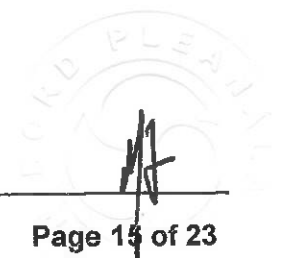


18. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations and points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points and stations at a later date. Where proposals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

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

19. Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Streets Interim Advice Note – Covid Pandemic Response (May 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.



20. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 - Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

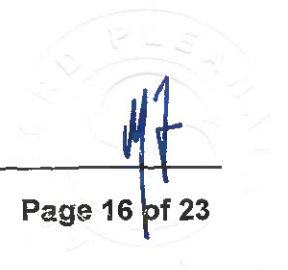
21. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

22. (a) The developer shall consult with the Irish Aviation Authority and Dublin Airport Authority in respect to developing a strategy in relation to the use of cranes during construction, and the Irish Aviation Authority and Dublin Airport Authority requirements in this regard shall be submitted to the planning authority for the written agreement prior to commencement of development.

(b) Prior to the commencement of the development the developer shall contact the Irish Aviation Authority in relation to all crane operations, with a minimum of 30 days prior notification of their erection.

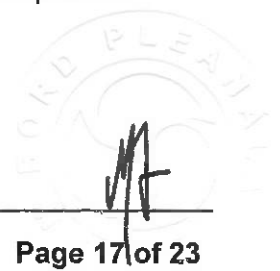
**Reason:** In the interest of aviation safety.





23. A comprehensive boundary treatment and revised landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
- (a) a detailed scheme for the planting of trees along the pedestrian boulevard,
  - (b) details of all proposed hard surface finishes, including samples of proposed paving slabs and materials for footpaths, kerbing and road surfaces within the development,
  - (c) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures,
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes,
  - (e) details in relation to public furniture and benches and public artwork,
  - (f) details in relation to layout and design of playground facilities and equipment,
  - (g) details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first five years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interests of amenity, ecology and sustainable development.



24. All recommended measures outlined in the submitted Arboriculture Assessment and Tree Protection Plan shall be implemented in full. Prior to the commencement of construction works on site, a meeting with the developer and Fingal County Council shall take place on site to ensure all tree protection measures have been carried out appropriately.

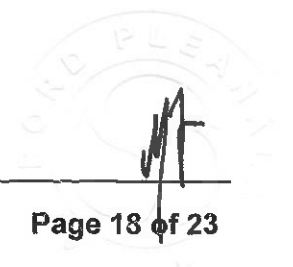
**Reason:** In the interests of biodiversity and protection of trees.

25. 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 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.

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

26. 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.



27. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction and demolition waste.

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

28. 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.

29. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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



30. 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.

31. 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.

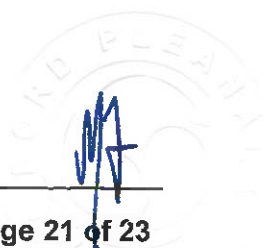
**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation in-situ or by record and protection of any archaeological remains that may exist within the site.

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

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

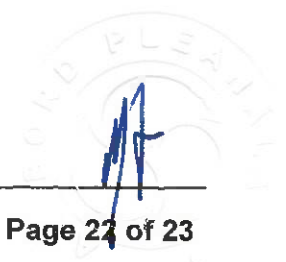
33. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.




34. Prior to the commencement of development, the developer shall enter into an agreement with the planning authority to provide for the payment of a financial contribution to the planning authority in lieu of open space as provided for under Objective DMS57B of the Fingal Development Plan 2017-2023 and in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The manner of payment and amount of payment 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:** In the interest of the proper planning and sustainable development of the area.



35. 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.

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



Dated this 16<sup>th</sup> day of September 2021