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## **Planning and Development Acts 2000 to 2021**

### **Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 15<sup>th</sup> day of December 2021 by Silvermount Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin.

#### **Proposed Development comprises of the following:**

- Demolition of the existing (8,660 square metres) industrial units and associated structures on the site;
- Construction of a mixed use development comprising of Blocks A to E in one structure, Block F and a restaurant as standalone structures. The buildings range in height from single storey (five metres OD) to 10 storeys at a maximum of 33.525 metres OD over basement level;
- Provision of a Build to Rent residential development of 545 number residential units (19 number studios, 220 number one-bedroom units, 35 number two-bedroom units (three person), 254 number two-bedrooms (four person), 17 number three-bedroom units;
- Provision of 3,812 square metres commercial use including 12 number commercial units at ground floor and first floor comprising of a commercial and retail unit (345 square metres), shop (147 square metres), shop and convenience store (419 square metres), and five number café and restaurants ranging in size from (46 square metres to 329 square metres (Unit 8 at ground

- and first floor)) and creche unit area (ground and first floor) (379 square metres) - with associated outdoor play space (151 square metres) and at first floor, three number units consisting of medical centre (521 square metres) and two number shared offices spaces (566 square metres and 150 square metres);
- Provision of 270 number car parking spaces (218 number at basement level to serve the residential development and 52 number at surface level to serve the commercial development) including the provision of 10 number car club spaces, nine number motor cycle spaces at basement, 668 number bicycle parking spaces (496 number basement level and 148 number within the residential courtyard areas) to serve the residential development and an additional 24 number uncovered cycle parking spaces located at surface level to serve the commercial units and visitors;
  - The proposed development will also include the provision of communal open space including courtyard areas, roof terraces, the provision of resident support facilities including reception and concierge, and waste management facilities, and the provision of resident services and amenities including, internal common areas, shared workspace and multi-function event spaces (2,523 square metres internally and 3,423 square metres externally);
  - The proposed development will provide patios, terraces, balconies, winter gardens and or terraces on the south, east and west elevations, revised boundary treatments and landscaping including 2,593 square metres public open space, statue, children's play areas, including public playground (812 square metres in total), and provision of pedestrian and cycle linkages through the site and along all site boundaries, upgrades to the public realm, provision of green roofs, screened plant areas and photovoltaic panels, which will be located at roof level (maximum of 148 number panels), eight number Ø0.3 metre microwave link dishes in total, to be installed on two number two metre high steel poles fixed on ballast mounts within GRP Radio Friendly Shrouds together with associated equipment on the rooftop of Block A, 4 no. sub-stations and switch rooms, Sustainable Urban Drainage Systems drainage, and all ancillary site development works necessary to facilitate the development;

- Pedestrian crossing and upgrading of the public footpath along the Naas Road;
- The total floor area of the development is 56,681 square metres gross floor area (excluding basement level of 8,838 square metres), on a site area of 1.94 hectares. The net site area is 1.88 hectares all located on lands (1.94 hectares) at the Former Concorde Industrial Estate, Naas Road, Walkinstown, Dublin 12.

## **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**

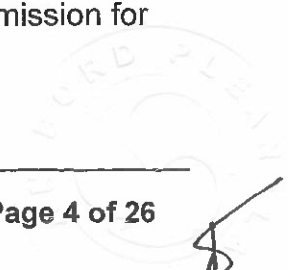
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **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 Dublin City Development Plan 2016-2022;
- (b) The policies and objectives as set out in the Naas Road Lands Local Area Plan 2013, as extended;
- (c) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;

- (d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (f) The provisions of Project Ireland 2040 National Planning Framework, which identifies the importance of compact growth;
- (g) 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;
- (h) 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;
- (i) 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;
- (j) 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;
- (k) 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;
- (l) 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;
- (m) The pattern of existing and permitted development in the area;
- (n) 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 that materially contravenes a Development Plan;



- (o) The submissions and observations received;
- (p) The Chief Executive's Report from Dublin City Council;
- (q) The report of the Planning Inspector.

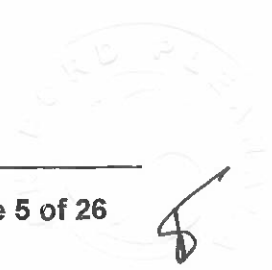
### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European Sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report and application documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and that, by itself or in combination with other development, plans and projects 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, in compliance with section 172 of the Planning and Development Act 2000, as amended, an Environmental Impact Assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) The submissions from the applicant, the planning authority, the observers, and the prescribed bodies in the course of the application; and
- (d) The Planning Inspector's report.



## Reasoned Conclusions on the Significant Effects:

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and the associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- direct positive impacts with regard to population and material assets, due to the substantive increase in the housing stock during operational phases;
- direct negative effects on soil during construction, which would be mitigated by the reuse of some materials on site and the implementation of measures to control emissions of sediment to water, pollutants to soil and dust to air;
- direct negative effects arising from noise and vibration during construction and operation phases, which would be mitigated by a suite of appropriate construction phase management measures and building design specifications for the proposed apartments;
- direct negative effects on air during construction, which would be mitigated by a dust minimisation plan, including a monitoring programme;
- indirect negative effects on water, which would be mitigated during the construction phase by management measures to control the emissions of sediment to water and mitigation during the operational phase by the proposed system for surface water management and the drainage of foul effluent to the public foul sewerage system;



- direct positive effects on the cityscape, as the proposed development would follow the pattern of intensive development along this gateway route to the city and would improve the amenity of the land through the provision of dedicated public open space, upgraded public realm and through routes, as envisaged in the Naas Road Lands Local Area Plan 2013, as extended.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the 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 quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on traffic and pedestrian safety and convenience, and would provide an acceptable form of residential amenity for future occupants.

The Board considered that with the exception of building heights, residential density and unit numbers the proposed development would be compliant with the Naas Road Lands Local Area Plan 2013, as extended, and with the exception of building heights and core strategy unit numbers the proposed development would be compliant with the Dublin City Development Plan 2016-2022, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

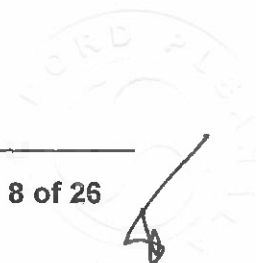


The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, it would materially contravene the Naas Road Lands Local Area Plan 2013, as extended, in relation to building height, residential density and unit numbers, and it would materially contravene the Dublin City Development Plan 2016-2022 in relation to building heights and core strategy unit numbers. 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 Naas Road Lands Local Area Plan 2013, as extended, and the Dublin City Development Plan 2016-2022, would be justified for the following reasons and considerations.

the proposed development is considered to be of strategic and national importance given its potential as a site located within the Naas Road area designated as 'Strategic Development and Regeneration Area 5 – Naas Road' in the Dublin City Development Plan 2016-2022 and its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply, as set out in Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021 and Rebuilding Ireland Action Plan for Housing and Homelessness 2016 within the Dublin Metropolitan Area Strategic Plan Area on a high capacity, high frequency public transport corridor, with links to further sustainable modes of the transport network.

Furthermore, the location of the application site within a Strategic Development and Regeneration Area, in itself refers to the strategic importance of the site, which elevates it above other zoned lands contained in the Development Plan.

Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, are applicable with respect to the material contravention of the building height, residential density and unit number provisions of the Naas Road Lands Local Area Plan 2013, as extended, and the material contravention of the building heights and core strategy unit number provisions of the Dublin City Development Plan 2016-2022;



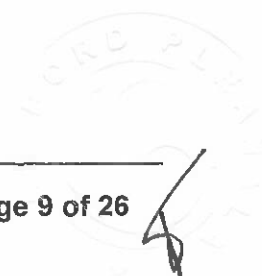


it is considered that permission for the proposed development should be granted having regard to objectives of the Dublin City Development Plan 2016-2022 conflicting with those of the Naas Road Lands Local Area Plan 2013, as extended, with respect to building heights. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended, are applicable with respect to the material contravention of the building height provisions of the Naas Road Lands Local Area Plan 2013, as extended, and the Dublin City Development Plan 2016-2022;

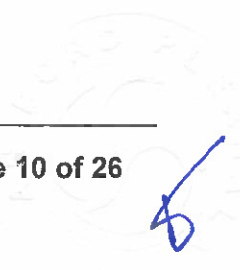
it is considered that permission for the proposed development should be granted having regard to Government policies, as set out in the Project Irelans 2040 National Planning Framework, in particular National Policy Objectives 13 and 35, provisions set out in the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, in particular Regional Policy Objective 5.4, the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, in particular Specific Planning Policy Requirement 3(a).

Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, are applicable with respect to the material contravention of the building height, residential density and unit number provisions of the Naas Road Lands Local Area Plan 2013, as extended, and the material contravention of the building height and core strategy unit number provisions of the Dublin City Development Plan 2016-2022;

it is considered that permission for the proposed development should be granted having regard to recent neighbouring permissions in the area, including the pattern of residential density and building heights granted permission under Dublin City Council Register Reference Number 3228/20 (Nissan site) and An Bord Pleanála References Numbers ABP-311606-21 (Carriglea industrial estate site) and ABP-307804-20 (Royal Liver Insurance Retail Park). The proposed development is to an extent, continuing on the pattern of development granted in those permissions.



Accordingly, the provisions set out under section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended, are applicable with respect to the material contravention of the building height and residential density provisions of the Naas Road Lands Local Area Plan 2013, as extended, and the material contravention of the building height provisions of the Dublin City Development Plan 2016-2022.



## 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. Revised details shall be submitted with regard to the following:
  - (a) the proposed single storey pavilion café and restaurant building between Blocks D and E shall be omitted from the scheme and the area landscaped to provide additional communal open space;
  - (b) ground floor garden terraces shall be provided to apartments in Block F and a suitable privacy strip and or low level boundary treatment shall be provided between private and public amenity area;
  - (c) revised front car park layout to the northern side of Block A with a reduction of surface level commercial car parking by 14 number spaces and the use of the resultant space to provide additional cycle parking and landscaping addressing standards for perpendicular spaces set out in 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;
  - (d) provision of privacy screens to terraces along all walkways and pedestrian entrances to buildings adjoining terraces, including at eighth floor level;



- (e) provision of a pedestrian and bicycle route on site providing for a level connection into the permitted pedestrian and cycle routes on the Carriglea Industrial Estate site (subject of a condition under An Bord Pleanála Reference Number ABP-311606-21);
- (f) the perpendicular car parking space located adjacent to Block F shall be omitted and the indented bay redesigned to reduce the impact on the footpath and bicycle lane alignment and to facilitate improved turning area for refuse vehicles;
- (g) provision of revised bicycle parking spaces located within compounds or bicycle stores, increasing staff and visitor bicycle parking and providing non-standard bicycle spaces for both residents and visitors and electric bike charging facilities. Shower and changing facilities shall be provided for all staff, including specific shower facilities within the childcare facility for its staff.

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 visual and residential amenity, traffic and pedestrian safety.

3. The mitigation and monitoring measures outlined in Chapter 15 of the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** To protect the environment.



4. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the Management Company established to manage the operation of the development together with a detailed and comprehensive Build to Rent Management Plan that demonstrates clearly how the proposed Build to Rent scheme will operate.

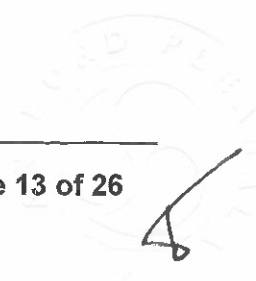
**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area.

5. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.

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

6. Prior to expiration of the 15 year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Build to Rent scheme. Any proposed amendment or deviation from the Build to Rent model, as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

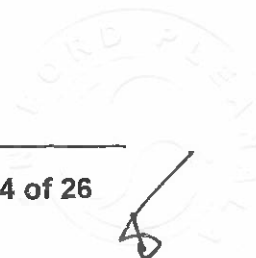


7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall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

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

8. The following requirements shall apply to the proposed non-residential units, including the childcare facility:
- (a) Prior to the occupation of the non-residential units, finalised service details, as well as details of any proposed signage to be applied to the elevations of their respective buildings, including details of the materials, colour, lettering and depth of the signage, shall first be submitted to and agreed in writing with the planning authority.
  - (b) The glazing to the non-residential units shall be kept free of all stickers, posters and advertisements.
  - (c) The proposed restaurant and café units shall not be used for the sale of hot food for consumption off the premises without a separate grant of planning permission.

**Reason:** In the interest of clarity, visual amenity and the proper planning and orderly development of the area, and to allow the planning authority to assess the impact of any such development through the planning process.



9. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

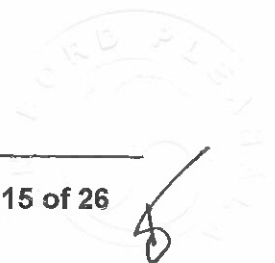
**Reason:** To protect the visual amenities of the area.

10. Proposals for a development name 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.

11. 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 (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. All findings of the submitted Quality Audit and Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.

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



12. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 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, cycle, motorcycle and car-share club parking, as well as turning areas, shall be continually managed.

**Reason:** To ensure that adequate parking facilities and turning areas are permanently available to serve the proposed development.

13. Prior to the occupation of the development, a finalised Mobility Management Plan and Residential Travel Plan shall be submitted to and agreed in writing with the planning authority. These plans 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.

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





14. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, at least one of which should serve a car club / car share space, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date.

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

15. 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. Basement ventilation shall not be positioned adjacent to apartment terraces.

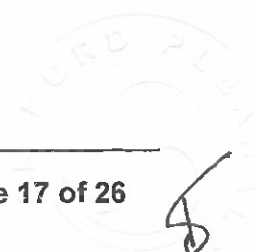
**Reason:** In the interests of residential amenity.

16. 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.

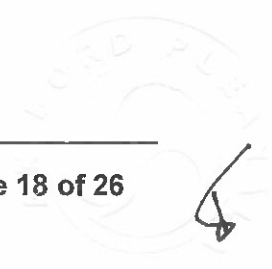
17. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

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



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, including construction and maintenance plan details for green roofs.
- (b) Prior to commencement of development the developer shall submit to the planning authority for written agreement drawings providing details of the existing surface water sewers and the precise proposed connection to the existing public surface water sewer.
- (c) 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. Basement car parks shall not discharge to the storm water system.
- (d) 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.
- (e) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the planning authority prior to the occupation of proposed development and shall be implemented in accordance with that 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 for the public open space, communal space, surface parking areas and the pedestrian and bicycle routes, 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 into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.

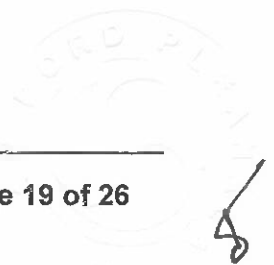
**Reason:** In the interests of amenity and public safety.

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. Any existing over ground cables, including the 38 kilovolt electricity line, shall be relocated underground as part of the site development works.

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

21. Prior to the commencement of development on site, the following landscaping, open space and ecology details shall be submitted to and agreed in writing with the planning authority:

- (a) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, including the Landscape Design Rationale, which accompanied the application, unless otherwise agreed in writing with the planning authority.
- (b) Details of hard landscaping materials, including materials for the pedestrian and cycle routes and public open space.
- (c) Further details of the play spaces and associated features assigned for children of all ages.



- (d) Details of the public artwork feature proposed to be provided as part of the public open space.
- (e) A report clarifying the status or absence of invasive species on the site and method to address same should invasive species be found to be present.

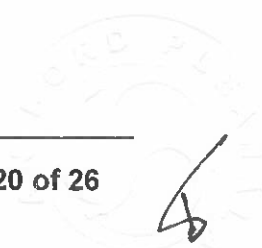
**Reason:** In the interest of the environment, local and visual amenities, and to accord with the requirements of the Naas Road Lands Local Area Plan 2013, as extended.

22. 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.

23. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) A map delineating those areas to be taken in charge by the planning authority and details of the legally constituted management company contract and drawings/particulars describing the parts of the development for which the legally constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

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



24. (a) A plan containing details for the management of waste 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 and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 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 include details of the locations and designs for bin marshalling areas serving the development.

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

25. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation including hydrological and geotechnical investigations relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

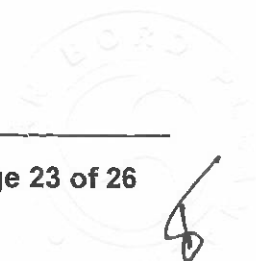
**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

26. Demolition and construction waste shall be managed in accordance with a demolition and construction waste 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 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 the construction practice for the development, including:
- (a) Location of the site and materials compound(s), 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 and to undertake works occurring close to the Luas Infrastructure, in accordance with the Transport Infrastructure Ireland's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system';
- (g) Details of construction phase mobility strategy, incorporating onsite mobility provisions;
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) 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;
- (j) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) 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.
- (k) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- (l) 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;
- (m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- (o) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority;



(p) Mitigation measures to protect the operation of Luas infrastructure and services.

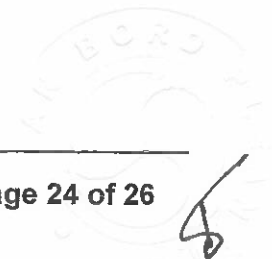
**Reason:** In the interest of amenities, public health and safety.

28. 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 proposals have been submitted and agreed in writing with the Planning Authority.

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

29. Prior to commencement of development, the applicant 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.

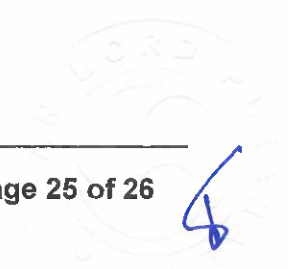
**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.





30. 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.



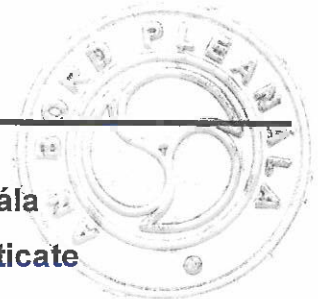
31. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Terry Ó Niadh

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



Dated this 25<sup>th</sup> day of April, 2022