

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County 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 23rd day of March 2022 by The Ardee Partnership care of John Spain Associates of 39 Fitzwilliam Place, Dublin.

Proposed Development comprises of the following:

1. The construction of 272 number residential units comprising a mix of 206 number two, three and four-bedroom houses, all two storeys, including 50 number two-bedroom houses (Type 1), 145 number three-bedroom houses (Types 2, 3, 6) and 11 number four-bedroom houses (Types 4, 5) all with private open space and car parking, alongside 66 number duplex units all three storeys, including: 17 number one-bedroom units (Types D5, D8), 24 number two-bedroom units (Types D1, D3, D6) and 25 number three-bedroom units (Types D2, D4, D7), all with private open space in the form of terrace at upper floor level and external garden space, with 499 square metres of communal open space north of Duplex Blocks A-D (48 number units) served by two number bin and bicycle stores each circa 51 square metres, adjacent at Bridgegate Avenue, providing a total residential gross floor area of circa 28,168.9 square metres;

2. A part 1, part 2 number storey crèche circa 484.1 square metres and playground and a single storey community building circa 165 square metres located adjacent at a central community hub with bin and bicycle store circa. 23 square metres, accessed from Bridgegate Avenue served by car parking located on Bridgegate Green and Bridgegate Avenue;
3. A landscaped Public Park located in the northern part of the site extending to circa 3.6 hectares accessed from the community hub and between duplex Blocks B and C at Bridgegate Avenue, with two number pedestrian links to permitted public park adjoining to the west and one number pedestrian footpath extending to the northern perimeter at Hale Street, with a reservation for a future link road to lands to the east facilitated in the northern section of the park;
4. Works to the Rathgory Tributary located to the south of Bridgegate Avenue comprising the realignment of the channel and regrading and reprofiling of land, as required, implementation of two number vehicular crossings including culverts and mammal passes and the provision of a riparian corridor based around the open watercourse comprising landscaping and planting with safe access to the watercourse provided for maintenance purposes and one number pedestrian and bicycle crossing;
5. A series of landscaped public open spaces provided throughout the site with Public Open Space 01 circa 1.05 hectares and Public Open Space 2 circa 0.43 hectares located within the linear park (including riparian corridor) adjacent to the Rathgory Tributary with Public Open Space 03 circa 0.29 hectares centrally located in the southern part of the site; open spaces will provide a mix of hard and soft landscaping, pedestrian and bicycle access (bicycle lanes provided at Public Open Space 1 and Public Open Space 2) and a range of activities including fitness spaces, kickabout area, amphitheatre and nature based play areas;
6. Provision of shared surfaces, landscaped streetscapes including planting and landscaping at two neighbourhood streets in the southern part of the site, with roads provided to site boundaries to the east, south and west to facilitate possible future connections;

7. All landscaping including planting to consolidate treelines and hedgerows forming existing site boundaries with agricultural lands to the east and Cherrybrook residential development to the west and all boundary treatments;
8. Roads and access infrastructure taken from Bridgegate Avenue (permitted under Reg. Ref.: 10/174; An Bord Pleanála Reference Number: PL15.238053, as amended], the provision of a bus stop on the south side of Bridgegate Avenue adjacent to community hub and provision of bicycle lanes at this location (continued through Public Open Space 01) a total of 480 number car parking spaces 362 number serving houses 84 number serving duplexes, 23 number serving crèche and community building and 11 number visitor and public open spaces, a total of 296 number bicycle parking spaces 204 number spaces serving duplexes [60 number visitor spaces], 32 no. spaces at the community hub and 60 no. visitor spaces.

Provision of two number Electricity Supply Board substations, all associated drainage and services infrastructure (surface water, foul and water supply), public lighting, Sustainable Urban Drainage Systems and works to facilitate the development. All located at Bridgegate, Rathgory and Mulladrillen, Drogheda Road, Ardee, County Louth.

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.

Reasons and Considerations

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

- (a) The policies and objectives as set out in Project Ireland 2040 National Planning Framework and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;

- (b) the policies and objectives as set out in the Louth County Development Plan 2021-2027;
- (c) the provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (d) 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, and Circular NRUP 02/2021, April 2021;
- (e) 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;
- (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 2022;
- (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 Childcare Facilities, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in June 2001;
- (j) the nature, scale, and design of the proposed development;
- (k) the availability in the area of a range of social, community, and transport infrastructure;
- (l) the pattern of existing and permitted development in the area;
- (m) the planning history of the site and within the area;

- (n) the submissions received from observers and prescribed bodies;
- (o) the Chief Executive's Report received from Louth County Council, and
- (p) the report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

It is considered that the proposed development would constitute an acceptable quantum and density of residential development in this location, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause serious pollution in respect of water, air, noise, vibration or disposal of waste, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the sites' Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the site's Conservation Objectives other than the Dundalk Bay Special Area of Conservation (Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026) which are the European Sites for which there is a likelihood of significant effects.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Dundalk Bay Special Area of Conservation (Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026) are the European Sites for which there is a likelihood of significant effects.

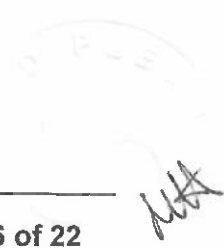
The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development on the Dundalk Bay Special Area of Conservation (Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026) in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

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

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

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of Dundalk Bay Special Area of Conservation (Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026), or any other European Site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

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Environmental Impact Assessment Screening

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, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions received from the observers, planning authority, and prescribed bodies, and
- (d) the Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered 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 applicant 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 applicant, 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 and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and human health** – significant positive effects arising from increased levels of economic activity, the provision of new residential homes, and creation of a new community served by ancillary community facilities including extensive areas of public open space,
- **Biodiversity** – significant positive effects arising from the realignment of the Rathgory Tributary, development of a fisheries' compliant biodiversity corridor, creation of a riparian corridor, and implementation of a landscaping strategy with extensive tree, plant, and shrub planting, creating habitats and supporting flora and fauna species,
- **Material assets: traffic** – significant negative effect arising from an operational phase impact adversely affecting the efficiency of the main crossroads in Ardee town (junction J1) by the design year 2039, and
- **Landscape** – significant neutral effects arising from the development of the greenfield site, the construction and operation (occupation) of the proposed development (cumulatively with Phases 1-3 of the Bridgegate development) when viewed from a proximate viewpoint in the receiving area (V4 in Cherrybrook estate).

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of residential development in this location, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause serious pollution in respect of water, air, noise, vibration or disposal of waste, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conclusion on Material Contravention of the Development Plan

The Board does not consider that the proposed development materially contravenes the following and or any other objectives and or policy standards as set out in the Louth County Development Plan 2021-2027, Objective HOU 27, Table 13.3, Table 13.11, section 13.8.13, Objective NBG 17, section 8.11, Objective NBG 44, Objective NBG 57, and section 13.8.11.

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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. The period during which the development hereby permitted may be carried out shall be seven years from the date of this Order.

Reason: Having regard to the nature of the development and works involved in the realignment of the Rathgory Tributary watercourse, the Board considers it appropriate to specify a period of validity of this permission in excess of 5 years.

3. The mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including those set in Chapter 16: Mitigation Measures in the Environmental Impact Assessment Report and in Table 6: Mitigation Measures in the Natura Impact Statement, shall be carried out in full except where otherwise required by conditions attached to this permission. The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the Environmental Impact Assessment Report and the Natura Impact Statement are implemented in full. Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation measures and a corresponding timeline/schedule for implementation of same to the planning authority for its written agreement.

Reason: In the interests of protecting the environment, public health, and clarity.

4. (a) Prior to commencement of development, detailed design of the realigned watercourse (Rathgory Tributary) shall be submitted to and agreed in writing with Inland Fisheries Ireland in accordance with Inland Fisheries Ireland guidance contained in 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters'.
- (b) Prior to commencement of development, any river or stream manipulation works, bridging, culverting or otherwise shall be submitted to and agreed in writing with Inland Fisheries Ireland. The design of all instream structures shall be in accordance with Inland Fisheries Ireland requirements.
- (c) A natural riparian vegetation zone (10 metre minimum) shall be provided and maintained free from development each side of the watercourse with all planting being of native species.
- (d) An undisturbed filter strip (10 metre minimum) shall be left along the watercourse. Protective silt fencing shall be erected to safeguard the watercourse in advance of any construction work, no ground clearance, earth moving, stockpiling or machinery movement should occur within this protected area.

Reason: To protect river water quality and the environment.

5. The development shall be carried out in a phased manner in accordance with Site Phasing Plan: Drawing Number: PA-003, unless otherwise agreed in writing with the planning authority.

Reason: To ensure the timely provision of amenities and infrastructure for future residents.

6. 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.

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7. Details of the layout, height, materials, and external finishes of the front and rear screen or boundary walls to residences, and site boundaries shall be as submitted with the application unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the residential and the visual amenities of the area.

8. Proposals for an estate and street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed street/ building name(s) shall be based on the historic townlands of Mulladrillen and Rathgory, or other alternatives acceptable to the planning authority. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

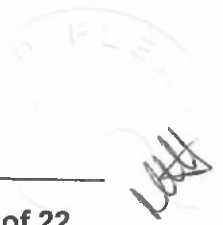
Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and installation of lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

Reason: In the interests of amenity and public safety.

10. 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.



11. All recommendations in the Quality Audit Report (Road Safety Audit items in 3.4 (3.4.1-3.4.10), and Accessibility and Walkability Audit items in 4.3-4.10) shall be incorporated into the development. Prior to commencement of development, the applicant shall submit a revised Quality Audit Drawing Number: ARDEE-CSC-00-XX-DR-C-1027 indicating same for the written agreement with the planning authority.

Reason: In the interests of traffic and pedestrian safety.

12. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes 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 and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

13. (a) The car parking facilities including a total of 480 number spaces hereby permitted shall serve the proposed development. 446 number clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted.
- (b) The cycle parking facilities including a total of 296 number bicycle parking spaces provided by way of bicycle stores, Sheffield stands, and stands shall serve the proposed development. 204 number clearly identified cycle parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose.



Details of the layout, marking demarcation, and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application.

- (c) Prior to the occupation of the development, a Parking Management Plan shall be prepared and shall be submitted to and agreed in writing with the planning authority. This plan shall indicate how the designated residential car and bicycle parking spaces and other spaces within the development shall be assigned, segregated by use and how the car and bicycle parking shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units, the commercial development, the public park, and to prevent inappropriate commuter parking.

14. A minimum of 20% of communal car parking spaces should be provided with electric vehicle charging stations or 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.

15. Prior to the occupation of Phase 1 of the development, a Mobility Management Plan 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, employees and visitors of the development and to reduce and regulate the extent of car parking. The mobility strategy shall be prepared and implemented by the management company for applicable residential and commercial units within the development.

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

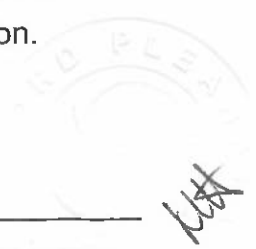
16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

17. (a) The areas of public open space in the development shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the Landscape Design Rationale and associated landscape plans, unless otherwise agreed in writing with the planning authority.

(b) This landscaping work shall be undertaken in accordance with Site Phasing Plan: Drawing Number: PA-003 and completed before any of the dwelling units in Phases 4, 5, and 6 are made available for occupation.

(c) A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of Phase 1 of the development. This schedule shall cover a period of at least three years and include details of the arrangements for its implementation.



- (d) The areas of public open space shall be reserved and maintained for such use by the developer until such time as these are taken in charge by the local authority or management company.

Reason: To ensure the satisfactory development of the public open space areas, their future maintenance, and their continued use for this purpose.

18. (a) The communal open spaces, 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.

19. The 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. 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.

20. 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 intended construction practice for the development, including inter alia, hours of working, noise and dust management measures, traffic management strategy, surface and groundwater protection measures, and contain measures to deal with potential adverse impacts (pollution risks, invasive species control).

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

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 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.

22. (a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface developmental work, including geotechnical test pits, should be undertaken until the archaeological assessment has been completed and commented on by the National Monuments Service section of the Department of Housing, Local Government and Heritage.
- (b) The archaeologist shall carry out any relevant documentary research and inspect the development site. As part of the assessment a geophysical survey should be undertaken to be followed by a programme of test excavations that should be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the National Monuments Service section of the Department of Housing, Local Government and Heritage.

- (c) Having completed the work, the archaeologist shall submit a written report stating their recommendations to the planning authority and to the National Monuments Service section of the Department of Housing, Local Government and Heritage. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

23. (a) Prior to commencement of development, an Underwater Archaeological Impact Assessment shall be undertaken in order to address any potential impact to the Underwater Cultural Heritage from the development, including the proposed bridge crossings.
- (b) The Underwater Archaeological Impact Assessment shall be undertaken by a suitably qualified and suitably experienced underwater archaeologist, and such an assessment shall include a desktop study and an assessment of all proposed or potential underwater impacts, as well as terrestrial impacts, if relevant (e.g. to stream banks, deposits sealed beneath areas of reclamation).
- (c) Where in-water impacts are proposed the Underwater Archaeological Impact Assessment shall include a dive and wade survey assessment accompanied by a handheld metal detection survey, undertaken by a suitably licenced and experienced underwater archaeologist. A Dive Licence (Section 3 1987 National Monuments (Amendment) Act) and Detection Device consent (Section 2 1987 National Monuments (Amendment) Act) will be required for these works. The Underwater Archaeological Impact Assessment shall be licensed by the Department of Housing, Local Government and Heritage and a detailed method statement shall accompany the application.

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- (d) Having completed the work, the archaeologist shall submit a written report stating their recommendations to the planning authority and to the National Monuments Service section of the Department of Housing, Local Government and Heritage. Where archaeological materials, features and objects are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

24. (a) An Operational Management 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 for the ongoing operation of these facilities for each dwelling 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 screened communal bin stores for the duplexes in Blocks A to D, and for the childcare facility and community building, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

25. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

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26. (a) Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Uisce Éireann.
- (b) If any proposals by the developer to build over, near or divert existing water or wastewater services subsequently occurs, the developer shall submit details to Uisce Éireann for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Uisce Éireann prior to connection agreement.
- (c) All development shall be carried out in compliance with Uisce Éireann Standards codes and practices.

Reason: In the interest of public health.

27. 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.

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28. All of the permitted house or duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect. Such an agreement must specify the number and location of each house or duplex unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

29. 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.

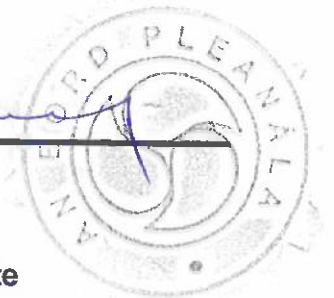
30. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



Martina Hennessy

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



Dated this 15th day of August 2023