

An
Bord
Pleanála

Board Order ABP-313133-22

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal 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 28th day of March 2022 by Balcadden GP3 Limited care of Brady Shipman Martin of Mountpleasant Business Centre, Ranelagh, Dublin.

Proposed Development comprises of the following:

Demolition of existing structures on site including the disused sports building (circa 604 square metres) on the Balcadden Road portion of the site and the Former Baily Court Hotel Buildings on Main Street (circa 2051 square metres) and the construction of a residential development set out in four number residential blocks, ranging in height from two to five storeys to accommodate 180 number apartments and duplexes with associated residential tenant amenity, one number retail unit and two number café and retail units. The site will accommodate a total of 139 number car parking spaces and 410 number bicycle parking spaces. Landscaping will include a new linear plaza which will create a new pedestrian link between Main Street and Balcadden Road to include the creation of an additional two number new public plazas and also maintains and upgrades the pedestrian link from Abbey Street to Balcadden Road below the Martello Tower. This is set out as follows:

1. The four number residential buildings range in height from two storeys to five storeys, accommodating 180 number apartments comprising four number studios, 62 number one-bed units, 89 number two-bed units and 25 number three-bed units. The breakdown of residential accommodation is as follows:
 - (a) Block A is a three storey building, including balconies, accommodating two number units;
 - (b) Block B is a two to five storey building, including setbacks, balconies, and external roof terraces at third and fourth floors accommodating 126 number units;
 - (c) Block C is a three to five storey building, including setbacks and balconies, accommodating 43 number units;
 - (d) Block D is a three storey building, including balconies, accommodating nine number units;
 - (e) Residential tenant amenity space is provided in Blocks B and C, totalling circa 427.1 square metres and communal external amenity space is provided at throughout the scheme including at roof level on Block B, totalling circa 4,108 square metres.
2. Non-residential uses comprise of retail unit of circa 106.4 square metres in Block A at ground level, café and retail unit of circa 142.7 square metres in Block C at ground and first floor, café and retail unit of circa 187.7 square metres in Block D at ground level resulting in a total of circa 436.8 square metres of non-residential other uses.
3. The development will include a single level basement under Block B, accessed from Main Street only, containing 139 number car spaces including seven number accessible spaces, plant, storage areas, waste storage areas and other associated facilities. A total of 410 number bicycle parking spaces are provided for at both basement and ground level, comprising 319 number resident spaces and 91 number visitor spaces.

4. The scheme provides for a new linear plaza which will create a new pedestrian and bicycle link between Main Street and Bascadden Road to include the creation of an additional two number new public plazas and also maintains and upgrades the existing pedestrian link from Abbey Street to Bascadden Road below the Martello Tower.
5. All other ancillary site development works to facilitate construction and the provision of the basement car park, site services, piped infrastructure, a sub-station, public lighting, plant, signage, bin stores, bike stores, boundary treatments and hard and soft landscaping.
6. It is proposed to reduce the ground levels on the site from circa 34.5 metres OD to circa 19.975 metres OD locally under Block C. A single storey basement is proposed under Block B with the existing ground level reduced from circa 20 metres OD to circa 17.1 metres OD occurring at formation level all located to the south of the Martello Tower on Bascadden Road and the former Baily Court Hotel, Main Street, Howth, County Dublin.

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 location of the site in the established urban area of Howth in an area zoned for residential (Objective TC – Town and District Centre and Objective RS – Residential, where residential is a permitted in principle use);
- (b) the policies and objectives as set out in the Fingal Development Plan 2017-2023;
- (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;

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- (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;
- (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 Architectural Heritage Protection, Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht October 2011;
- (i) the nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (j) the pattern of existing and permitted development in the area;
- (k) the planning history of the area, including its proximity to the Howth Special Amenity Area and within the Buffer Zone to the Special Amenity Area, as well as being in the Howth Historic Core Architectural Conservation Area, and proximate to Protected Structures in the Architectural Conservation Area, particularly the Martello Tower;
- (l) section 37(2)(b) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (m) the submissions and observations received;
- (n) the Chief Executive's Report submitted by Fingal County Council; and
- (o) the report of the Planning Inspector.

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
The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be appropriate to the historic sensitivity of the site and would otherwise be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening Report and Natura impact statement 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, other than Howth Head Special Area of Conservation (Site Code: 000202) and Howth Head Coast Special Protection Area (Site Code: 004113) which are European Sites where the likelihood of significant effects could not be ruled out.

Appropriate Assessment

The Board considered the Natura impact statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Howth Head Special Area of Conservation (Site Code: 000202) and Howth Head Coast Special Protection Area (Site Code: 004113), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.



In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the site-specific Conservation Objectives for the European Sites,
- (b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts relating to water quality, dust and the spread of invasive species,
- (c) the mitigation measures which are included as part of the current proposal.

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

This conclusion is based on the measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction and operational phases, dust suppression and preventing the spread of invasive species.

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 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 planning authority, the observers and prescribed bodies in the course of the application,

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(d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation including environmental conditions 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 proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. 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 Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

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 where required, as follows:

Population and human health - positive impacts in relation to the provision of new homes in close proximity to public transport, increased economic activity and with the provision of new public route. Positive cumulative impact from increased employment opportunities, access and transport infrastructure. Mitigation measures include adherence to Health Service Executive Covid-19 guidance and the application of a construction management plan during the construction phase to reduce impact upon human health. After implementation of these measures there is no risk of significant negative residual effects.

Biodiversity - with mitigation in place, no long-term significant impacts are expected. No residual impact upon internationally or nationally significant receptors will arise with mitigation in place. Residual impact upon biodiversity will be locally significant, with suitable mitigation in place to reduce impact on key ecological receptors. Mitigation includes the implementation of measures in a Construction and Environmental Management Plan during the construction phase, reduce risk of discharge from the site, and ensuring sensitivity to bats. Removal of vegetation will be timed to avoid impact on birds, bats, mammals and lizard. Managed removal of invasive alien flora from the site preventing transfer to designated sites. During the operational phase, new tree planting and wildflower meadows, sensitive lighting and signage to educate visitors to Howth Head Special Amenity Area Order will reduce impact. After implementation of these measures there is no risk of significant negative residual effects.

Land, soils, geology, water, air quality or climate - with the implementation of mitigation through management measures in the Construction and Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters, there is no risk of significant negative impacts. Mitigation measures have been informed by the Geotechnical Report and Hydrogeological Assessment appended to the Environmental Impact Assessment Report. Technical specifications for the proposed boundary retaining walls and stabilisation works provided. Modelling demonstrates that destabilisation of the site and surrounds will not result. After implementation of mitigation measures there is no risk of significant negative residual effects.

Noise and vibration - during the construction phase, impact from construction related activities and plant is anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction and Environmental Management Plan. During the operational phase, no negative impacts are identified. After implementation of mitigation measures, there are no significant negative residual effects.

Transportation - mitigation measures described in the Construction and Environmental Management Plan will limit residual impact during construction to slight short term effects. During the operational phase, negative long-term effects are anticipated on the Sutton Cross junction in terms of increased congestion. However, this impact is not a consequence of the proposed development, with the proposal contributing marginally to overall congestion in the area. In the 'no development scenario' the Sutton Cross junction would still be over capacity. Reduced car parking is intended to promote use of more sustainable transport modes. Overall, impact will be within acceptable parameters.

Material Assets - Archaeology and cultural heritage - no risk of significant permanent adverse impacts upon archaeological cultural heritage, with the application of mitigation measures.

Material Assets - Utilities and waste - no significant effects are anticipated. During construction phase, new connections may be required, and this impact would be temporary in duration. Mitigation is formed of adherence to relevant codes of practice, design guidance and consultation with local and statutory authorities. An Outline Construction and Demolition Plan and Operational Waste Management Plan mitigate impacts in terms of waste. With mitigation in place, no significant residual impacts will result.

Landscape and visual impacts - during construction short-term negative impact is anticipated. During operation, no significant negative impact would result in relation to landscape and visual impact from the proposed development. The proposed development would in general have neutral and positive effects upon landscape character and visual environment, with slight negative impact to isolated areas that would be consistent with the evolution of the built environment for the area and within acceptable parameters for impact.

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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 that 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 historic environment, would be acceptable in terms of urban design, height, scale, mass, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive's Report received from the planning authority and particularly the recommended amendments to the proposed development, which were addressed in detail in the Inspector's report. It is considered that while the height, scale and mass of the development would not have an unacceptable impact at maximum five storeys in height. The Board concluded that the development would not result in undue overlooking of adjacent sites or within the proposed development itself and would represent an acceptable standard of quality for the proposed accommodation, with a height, scale and mass that would have an acceptable visual impact on the heritage setting of the site. The Board also concluded that the proposed development was acceptable in all other respects.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the potential unit number identified under the Fingal County Development Plan 2017-2023 for Howth. 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 Development Plan would be justified for the following reasons and consideration.

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000, as amended:

The strategic nature of the site for the delivery of housing, as one of only a few remaining vacant sites identified for residential development, and with excellent accessibility, in Howth. In this sense, the site is strategically important for the delivery of housing in Howth, in the context of national planning policy documents and guidelines which promote compact growth.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended:

Permission for the development should be granted having regard to national planning policy guidelines that promote increased housing delivery on appropriate sites, including Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021, Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and Project Ireland 2040 National Planning Framework. The site characteristics align with national principles underpinning sustainable compact growth in urban areas, being situated a short walking distance to Howth Dart Station and within the town centre. In addition, the proposed development is also in accordance with Specific Planning Policy Requirement 1 and the development management criteria under section 3.2 in the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, as well as Specific Planning Policy Requirement's and associated guidance in 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.

In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended:

The pattern of development in the area, specifically being the permission for the Techrete site Claremont An Bord Pleanála Reference Number ABP-306102-19 formed of 512 number units and the Deer Park site An Bord Pleanála Reference Number ABP-310413-21 formed of 162 number units, which have been approved in exceedance of the potential unit number for Howth set out in the Development Plan, and, therefore, indicating that a material contravention would, therefore, similarly be justified for the proposed development.

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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 and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) To Block B, the proposed framed canopies serving roof terraces within the northern half of the block shall be omitted;
 - (b) stairwells to access roof terraces shall be positioned away from the northern section of Block B;
 - (c) material finishes to the roofs of Blocks A and D to be amended to natural slate and the material finish to the dormer and bay windows in the roof should complement the colour of the roof covering;
 - (d) the material palette for the development should be amended to omit use of render, refer to Condition Number 6;
 - (e) safe, segregated access for cyclists to the bicycle storage at basement level shall be demonstrated;
 - (f) the secondary windows to open plan living rooms in the top two floors, second and third floors of Block B where it is situated on the western boundary and secondary windows to open plan living area and bedroom within Block A where it is situated on the boundary, shall be obscure glazed; and
 - (g) detailed landscape plans and particulars of the pedestrian path to the north of the application site and base of the Martello Tower, indicating full public access.

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

Reason: In the interests of visual and residential amenity.

3. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 of the Environmental Impact Assessment Report 'Summary of Mitigation 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.

4. The mitigation measures contained in the Natura impact statement which was submitted with the application shall be implemented in full.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

5. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, no room in the proposed development shall be used for the purpose of providing overnight paying guest accommodation or short term letting without a prior grant of planning permission.

Reason: In order to prevent overdevelopment of the site in the interest of residential amenity.

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6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and buildings shall be agreed in writing with the planning authority prior to commencement of development. A sample of the stone finish at ground floor is to be submitted to the planning authority for written agreement prior to the commencement of the 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.

7. Details of all security shuttering, external shopfronts, lighting and signage shall be agreed in writing with the planning authority prior to occupation of the commercial and retail units.

Reason: In the interests of the amenities of the area or visual amenity.

8. 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.

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9. The landscaping plan as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

10. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. A piece of public art or sculpture or architectural feature should also be incorporated, the location of which shall be agreed with the planning authority in writing. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the planning authority or management company.

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

11. The recommendations of the submitted tree report shall be implemented in cooperation with the appointed Project Arborist, with retention of those trees outside of the redline boundary but proximate to the site, as identified in the submitted tree survey drawing with the application.



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

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

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12. The internal road, pedestrian, bicycle network serving the proposed development, including turning bays, footpaths and kerbs, and the underground car park 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. 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 hereby permitted shall be reserved solely to serve the proposed development. Residential 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 the car park shall be continually managed.

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

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14. A minimum of 10% of all 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. An ecological management scheme including reference to phasing or construction timing and landscaping, as well as appointment of a scheme Ecologist for the proposed development, with an objective of monitoring and recording any ecological impacts, both within and adjacent to the site and with specific regard for Howth Head Special Area of Conservation (Site Code:000202) and Howth Head Coast Special Protection Area (Site Code: 004113) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed scheme.

Reason: To ensure the preservation and protection of flora and fauna.

16. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes in open space, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development or installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.



17. 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.

18. Proposals for an estate or street name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name(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 interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

19. 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 commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

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

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

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20. 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.

21. 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.

22. 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 but not limited to:

- (a) Location of the site and materials compound(s) including area(s) 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;

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- (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (h) provision of parking for existing properties during the construction period;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) 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;
- (k) off-site disposal of construction or demolition waste and details of how it is proposed to manage excavated soil;
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains to be initiated at the earliest stage of the project on site.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- (n) Complete specification of cut and fill works to the site.
- (o) Construction Traffic Management Plan.
- (p) A Ecological Clerk of Works to oversee all environmental and biodiversity mitigation measures set out in the Construction Environmental Management Plan, Natura impact statement and Environmental Impact Assessment Report, including supervision of vegetation clearance from the site, with pre-clearance checks for bat roosts.

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

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23. 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.

24. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and 0800 to 1400 Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning 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.

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. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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.

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29. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure, open space 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.



Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 30th day of March, 2023