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## 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 8<sup>th</sup> day of April 2022 by Land Development Agency care of John Spain Associates of 39 Fitzwilliam Place, Dublin.

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

345 number residential units comprising of 84 number one-bed units, 104 number two-bed units (68 number two-bed apartments and 36 number two-bed duplexes), 157 number three-bed units (118 number three-bed duplexes and 39 number three-bed houses) ranging in height from two number to four number storeys.

The proposed development is set out in eight blocks which comprise the following:

- Block A1 comprises 39 number units at four storeys in height (comprising a mix of 26 number apartments and 13 number duplexes).
- Block A2 comprises 33 number units at four storeys in height (comprising a mix of 22 number apartments and 11 number duplexes).
- Block B1 comprises 16 number units at three storeys in height (comprising all three-bed duplexes).
- Block B2 comprises 16 number units at three storeys in height (comprising all three-bed duplexes).

- Block C comprises 42 number units at two to three storeys in height (comprising 15 number apartments and 27 number duplexes).
- Block D comprises 32 number units at two to three storeys in height (comprising 12 number apartments and 20 number houses).
- Block E comprises 62 number units at two to three storeys in height (comprising 38 number apartments and 24 number duplexes).
- Block F comprises 66 number units at two to three storeys in height (comprising 39 number apartments and 27 number duplexes).
- Block G comprises 25 number units at two to three storeys in height (comprising 20 number duplexes and five number houses).
- Block H comprises 14 number units at two to three storeys in height (comprising 14 number houses).
- Public open space of circa 16,670 square metres (25% of net developable area) is proposed including the parkland and main public square, in addition to the linear park of circa 2,427 square metres.
- Circa 2,272 square metres communal open space is proposed to serve the apartments.
- 414 number car parking spaces in total are proposed including 40 number visitor spaces, three number for creche set down and two number for creche staff parking within undercroft and at surface level.
- 802 number bicycle parking spaces comprising including 128 number visitor spaces and 10 number to serve the creche.
- Childcare and community facility of circa 377 square metres located in Block C.
- Upgrades to the Golf Links Road including new pedestrian and bicycle infrastructure with frontage on Golf Links Road.
- Vehicular access off the Golf Links Road is to be provided to the southeast of the subject site.

- In addition, the proposal will provide a new internal link road. This internal link road will connect to the adjacent lands to the north, for which a separate planning application has been made to Fingal County Council under Register Reference F21A/0287 (An Bord Pleanála Reference Number ABP-312189-21).

The proposed apartments include the provision of private open space in the form of balconies to elevations of the proposed buildings. The development also includes vehicular, pedestrian, and bicycle accesses, bicycle stores, lighting, landscaping, amenity spaces, drop off areas, boundary treatments, refuse facilities, services, utilities, substations, internal roads, footpaths and shared surfaces and all associated ancillary and site development works all located. The subject lands are accessed via Golf Links Road to the south and Ballygossan Park Phase 1 to the north. The site is bound by the Dublin to Belfast railway line to the west, the Golf Links Road to the east and south, and by individual houses to the east and south at Hacketstown in the townlands of Milverton, Townparks and Hacketstown, Skerries, County Dublin.

## **Decision**

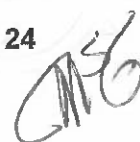
**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

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

- (a) The policies and objectives as set out in the Fingal Development Plan 2017-2023;
- (b) 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;

- (c) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, 2016;
- (d) the provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- (e) the provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- (f) 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;
- (g) 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;
- (h) 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;
- (i) 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;
- (j) the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in 2009;
- (k) 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;
- (l) the pattern of existing and permitted development in the area;
- (m) the planning history of the site;



- (n) the provisions of section 37(b)(2) 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 Fingal County 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 designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report and the Natura Impact Statement submitted with the application, the Inspector's Report and the submissions on file. In completing the screening, 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 Sites in view of the Conservation Objectives of such sites, other than Skerries Islands Special Protection Area (Site Code: 004122), Lambay Island Special Protection Area (Site Code: 004069), Malahide Estuary Special Protection Area (Site Code: 004025) and Rogerstown Estuary Special Protection Area (Site Code: 004015), which are the only European Sites for which there is a likelihood of significant effects.

### **Appropriate Assessment**

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 Skerries Islands Special Protection Area (Site Code: 004122), Lambay Island Special Protection Area (Site Code: 004069), Malahide Estuary Special Protection Area (Site Code: 004025) and Rogerstown Estuary Special Protection Area (Site Code: 004015), in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in

relation to the sites' Conservation Objectives using best available scientific knowledge in the field.

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

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

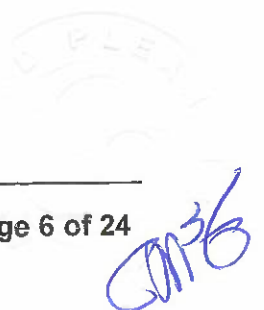
In completing the Appropriate Assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In 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 the European Sites, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable scientific doubt as to the absence of adverse effects.

## **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;



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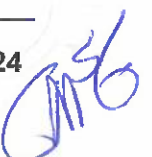
The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

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.

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

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:

- significant 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 arising for land and soils during the construction phase, which would be mitigated by reuse of excavated materials on site and removal of materials to appropriate off site facilities, as well as a suite of measures to prevent contamination of soils;
- direct negative effects and significant direct negative cumulative effects arising from noise and vibration during the construction phase, potentially in combination with other permitted and proposed neighbouring projects, which would be mitigated by a suite of appropriate construction phase management measures;
- indirect negative effects arising from noise during the operation phase, which would be mitigated by building design specifications for the proposed apartments closest to and directly facing the railway line;



- direct negative effects and significant direct negative cumulative effects arising for air quality and human health during the construction phase, potentially in combination with other permitted and proposed neighbouring projects, which would be mitigated by a suite of appropriate construction phase management measures, including dust management;
- indirect negative effects on water, which would be addressed during the construction phase by management measures to control the emissions of sediment and pollutants to water and which would be addressed during the operational phase by the necessity to connect into appropriate drainage infrastructure and the system for surface water management, including sustainable urban drainage systems;
- potential negative effects for archaeology, which would be addressed during the construction phase by archaeological monitoring and reporting;
- direct negative effects for traffic during the operational phase along Golf Links Road and neighbouring rad junctions, which would be mitigated by the necessity for upgrade works, similar to those permitted under An Bord Pleanála reference ABP-309409-21 (Fingal County Council Reference Number F20A/0324), to be completed prior to the occupation of the proposed development.

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 intermediate 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 the on-site public open space provision, the proposed development would be compliant with Fingal County Development Plan 2017-2023, 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 plan for the area, it would materially contravene Objectives PM52 and DMS57 of the Fingal County Development Plan 2017-2023 in relation to on-site public open space provision. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission, in material contravention of the Fingal Development Plan 2017-2023, would be justified for the following reasons and consideration.

- the proposed development is considered to be of strategic and national importance given 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. 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 on-site public open space provisions required in Objectives PM52 and DMS57 of the Fingal Development Plan 2017-2023;

- it is considered that permission for the proposed development should be granted having regard to Government policies, as set out in 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, which advise that some greenfield sites should be provided with public open space at a minimum rate of 15% of the total site area, which would be achieved in the subject proposals providing 25% of the net site area as public open space. 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 on-site public open space provisions required in Objectives PM52 and DMS57 of the Fingal County Development Plan 2017-2023.

## 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 mitigation and monitoring measures outlined in the plans and particulars submitted with the application, including the Environmental Impact Assessment Report and the Natura Impact Statement, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** To protect the environment and public health.

3. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The first phase of the development shall consist of not more than 75 number residential units and the community and childcare facilities, as well as the main avenue from the north. The phasing scheme shall identify how vehicular access, as well as a sufficient quantum of parking spaces and open spaces to serve residents, occupants and visitors for each phase of the development, would be provided throughout the construction phases of the development, as well as all services, including drainage and external lighting;

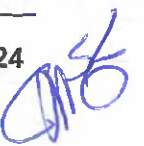


- (b) Prior to the occupation of any unit in Phase 1 of the proposed development, the development shall be served by an appropriate provision of infrastructure from the lands adjoining to the north, including link roads, pedestrian and bicycle paths, as well as drainage infrastructures and services;
- (c) Work on any subsequent phases shall not commence until substantial completion of Phase 1 or prior phase or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority;
- (d) The permission shall be for a period of ten years from the date of this Order.

**Reason:** To protect the environment and to ensure the timely provision of services and facilities, for the benefit of the occupants and residents of the proposed units and the satisfactory completion of the overall development.

- 4. 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.

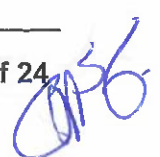
**Reason:** In the interest of visual amenity.



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

6. (a) The internal road network serving the proposed development and stretch of Golf Links Road proposed to be upgraded, 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 Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
- (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, provision of bicycle parking spaces for cargo bicycles, and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how car, bicycle, motorcycle and car-share and club parking, as well as turning areas, shall be continually managed.



- (c) The developer shall comply with all requirements of the planning authority in relation to roads, access, cycling infrastructure and parking arrangements.

**Reason:** In the interests of amenity, orderly development and traffic and pedestrian safety.

- 7. (a) Prior to commencement of development a Stage 2 Road Safety Audit, for the proposed development shall be prepared and submitted to the planning authority in accordance with Transport Infrastructure Ireland guidance. Where this Audit identifies the need for design changes, revised design details should be submitted to and agreed in writing with the planning authority. The developer shall carry out necessary works in accordance with the agreed revised design.
- (b) Prior to occupation of development a Stage 3 Road Safety Audit, including a Final Audit Report, for the proposed improvement to Golf Links Road, internal access and spine roads and the entrances to the development, shall be prepared and submitted to the planning authority in accordance with Transport Infrastructure Ireland guidance. Where this Stage 3 Audit identifies the need for design changes, revised design details should be submitted to and agreed in writing with the planning authority. The developer shall carry out necessary works in accordance with the agreed revised design.

**Reason:** In the interests of traffic safety and proper planning and sustainable development.



8. 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.

9. Prior to the occupation of the development, a Mobility Management Plan (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, as well as 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 interests of encouraging the use of sustainable modes of transport.

10. A minimum of 10% of all car parking spaces should be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage 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, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning electric vehicle charging stations or points.

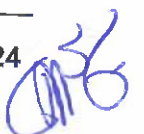
**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

11. All service cables associated with the proposed development such as electrical, communal television, telephone and public lighting cables shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of orderly development and the visual amenities of the area.

12. 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.



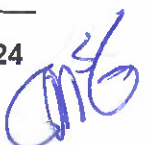
13. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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


14. Public lighting shall be provided in accordance with a scheme, which shall include lighting for play areas, opens spaces and 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 development phasing arrangements and the existing public lighting in the surrounding area, as well as the requirements of the Bat Fauna Assessment (appendix 5.1 to the Environmental Impact Assessment Report) submitted with respect to bat species. Such lighting shall be provided prior to the making available for occupation of any unit.

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

15. The landscaping scheme shown on the Landscape Masterplan (Drawing Number DN1906\_BSLA\_LDA\_SHD) and the Landscape Report, 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. In addition to the proposals in the submitted scheme, the following shall be carried out:
  - (a) The site shall be landscaped, using only indigenous deciduous trees and hedging species, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development, and there shall be no encroachment during construction on hedgerows and trees, including those to be protected.



- (b) Measures for the protection of trees and hedgerows proposed to be maintained shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development and all measures to protect trees and hedgerows shall be overseen by an arborist.
- (c) The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application, unless otherwise agreed in writing with the planning authority. The applicant shall engage with Iarnród Éireann regarding boundary treatments, landscaping, lighting and construction works along the railway line and details, including the avoidance of deciduous planting along the railway boundary, shall be submitted for the agreement of the planning authority prior to commencement of development.
- (d) All details of the play facilities and passive recreation facilities shall be submitted for the agreement of the planning authority prior to commencement of development.
- (e) A public artwork feature shall be provided as part of the development and details of same shall be submitted for the agreement of the planning authority prior to commencement of development.
- (f) A pond feature shall be integrated into the applicant's lands as part of the landscaping provisions along the riparian corridor and this shall be made suitable for spawning frogs as part of the nature-based solutions to the management of rainwater and surface water runoff from the proposed development. Details of this pond feature shall be submitted for the agreement of the planning authority prior to commencement of development.
- (g) Details of landscaping measures to address impacts on foraging and feeding bats, including the locations of the proposed bat boxes, shall be submitted for the agreement of the planning authority prior to commencement of development.



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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. 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 local authority or management company.

**Reason:** In the interest of environmental, residential and visual amenity, and rail safety.

16. 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.

17. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas, including parking spaces, to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the duplex and apartment dwellings. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

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

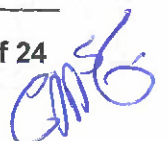
18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment and non-residential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

**Reason:** To ensure the provision of adequate refuse storage.

19. 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.





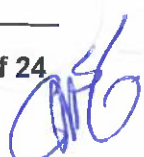
20. The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures stated in the application plans and particulars, including the Environmental Impact Assessment Report and the Natura Impact Statement, and shall provide details of the intended phased construction practice for the development, including:
- (a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse with sufficient buffer from residences and riparian corridor;
  - (b) location of areas for construction site offices and staff facilities;
  - (c) details of site security fencing and hoardings;
  - (d) details of on-site car parking facilities for site workers during the course of construction;
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
  - (f) measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
  - (i) details of appropriate measures to mitigate vibration from construction activity in accordance with 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.

- (j) details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) means to ensure that surface water run-off is controlled such that excessive silt or other pollutants do not enter local infrastructure or watercourses;
- (n) 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;
- (o) complete specification of cut and fill works to the site;

**Reason:** In the interest of amenities, the environment, 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, between the hours of 0800 to 1400 Saturdays, 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.



22. 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.

23. 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.

24. 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.



**Chris McGarry**

**Member of An Bord Pleanála**

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

Dated this <sup>21<sup>st</sup></sup> day of <sup>March</sup> 2023

