



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: LRD6006/23-S3

Appeal by Josephine Maguire and Others care of 167A Richmond Road, Dublin, by Malkey Limited care of Thornton O'Connor Town Planning of number 1 Kilmacud Road Upper, Dundrum, Dublin and by Others against the decision made on the 25th day of April, 2023 by Dublin City Council to grant subject to conditions a permission to Malkey Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: A Large-scale Residential Development (LRD) comprising demolition of existing industrial structures on site (circa 3,359 square metres) and construction of a mixed-use development including artist studios (circa 749 square metres), a creche (circa 156 square metres), a retail unit (circa 335 square metres), and a gym (circa 262 square metres), and 133 number residential units (65 number one bed apartments and 68 number two bed apartments). The development will be provided in three number blocks ranging in height from part one storey to part 10 storeys as follows: Block A will be part one storey to part four storeys in height, Block B will be part one storey to part 10 storeys in height (including podium), and Block C will be part one storey to part nine storeys in height (including podium). The proposed

development has a gross floor area of circa 14,590 square metres and a gross floor space of circa 13,715 square metres.

The development also proposes the construction of a new circa 204 metre long flood wall along the western, southern and south-eastern boundaries of the proposed development with a top of wall level of circa 6.4 metres AOD to circa 7.15 metres AOD (typically circa 1.25 metres to circa 2.3 metres in height) if required; and new telecommunications infrastructure at roof level of Block B including shrouds, antennas and microwave link dishes (18 number antennas enclosed in nine number shrouds and six number transmission dishes, together with all associated equipment) if required. A flood wall and telecommunications infrastructure are also proposed in the adjoining Strategic Housing Development (SHD) application (pending decision An Bord Pleanála reference number ABP-312352-22) under the control of the applicant. If that SHD application is granted and first implemented, no flood wall or telecommunications infrastructure will be required under this application for LRD permission (with soft landscaping provided instead of the flood wall). If the SHD application is refused permission or not first implemented, the proposed flood wall and telecommunications infrastructure in the LRD application will be constructed.

The proposed development also provides ancillary residential amenities and facilities; 25 number car parking spaces including 13 number electric vehicle parking spaces, two number mobility impaired spaces and three number car share spaces; two number loading bays; bicycle parking spaces; motorcycle parking spaces; electric scooter storage; balconies and terraces facing all directions; public and communal open space; hard and soft landscaping; roof gardens; green roofs; boundary treatments; lighting; ESB substation; switchroom; meter room; comms rooms; generator; stores; plant; lift overruns; and all associated works above and below ground, all on a circa 0.55 hectare site at the former Leydens Wholesalers and Distributors, 158A Richmond Road, Dublin. (www.leydenslrd.ie). The site is bounded to the north-east by

Richmond Road, to the west/south-west by number 146A and numbers 148 to 148A Richmond Road (pending application An Bord Pleanála reference number ABP-312352-22), to the south/south-west by a residential and commercial development (Distillery Lofts), and to the east/south-east by the former Distillery Warehouse (derelict brick and stone building).

Improvement works to Richmond Road are also proposed including carriageway widening up to circa six metres in width, the addition of a circa 1.5 metre wide one-way cycle track/lane in both directions, the widening of the northern footpath on Richmond Road to a minimum of circa 1.8 metres and the widening of the southern footpath along the site frontage which varies from circa 2.2 metres to circa 7.87 metres, in addition to a new signal controlled pedestrian crossing facility, all on an area of circa 0.28 hectares. The development site area and road works area will provide a total application site area of circa 0.83 hectares.

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 within the established urban area of Dublin city with a land-use zoning objective for 'Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses' under the Dublin City Development Plan 2022-2028;
- (b) the policies and objectives of that development plan;
- (c) the nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) the pattern of existing and permitted development in the area;
- (e) 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;
- (f) the provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- (g) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- (h) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022;

- (i) the provisions of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) issued by the Department of Environment, Heritage and Local Government in May 2009;
- (j) 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 Environment, Community and Local Government in 2019;
- (k) the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October 2011;
- (l) the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- (m) 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;
- (n) the submissions and observations received; and
- (o) the report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the subject application, Appropriate Assessment Screening Report and application documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, other than for South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), North Bull Island Special Protection Area (Site Code: 004006), North Dublin Bay Special Area of Conservation (Site Code: 000206), and South Dublin Bay Special Area of Conservation (Site Code: 000210).

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 for South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), North Bull Island Special Protection Area (Site Code: 004006), North Dublin Bay Special Area of Conservation (Site Code: 000206), and South Dublin Bay Special Area of Conservation (Site Code: 000210), 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, noting the Natura Impact Assessment submitted by the applicant and the assessment carried out by the planning authority, 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 project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the first-party appellant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (i) the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended;
- (ii) the location of the proposed apartments, artists' studios, gym, local retail shop and childcare facility on lands zoned within the Dublin City Development Plan 2022-2028 as 'Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses' with a stated objective 'to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses', and the results of the Strategic Environmental Assessment of the development plan;
- (iii) the nature of the existing site and the pattern of development in the surrounding area;
- (iv) the availability of mains water and wastewater services to serve the proposed development;

- (v) the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as amended;
- (vi) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- (vii) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended: and
- (viii) the features and measures proposed as part of the project, which are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the project Resource and Waste Management Plan, Natura Impact Statement, Preliminary Construction Environmental Management Plan, Archaeological, Architectural and Cultural Heritage Impact Assessment, Site Specific Flood Risk Assessment and Infrastructural Design Report,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

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 zoned and serviced brownfield 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 not detrimentally impact on the built heritage of the area, would be acceptable in terms of impacts on traffic, would provide an acceptable form of residential amenity for future occupants, would be acceptable in terms of flood risk to this site and other lands, and would be capable of being adequately served by wastewater and water supply networks.

The Board considered that the proposed development would be compliant with the provisions of the Dublin City Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
- (a) Block B shall have a maximum height of eight storeys. This shall be achieved by omission of the eighth and ninth floors and of units B8.01, B8.02, B8.03, B8.04, B8.05, B8.06, B9.01, B9.02, B9.03, B9.04, B9.05, and B9.06.
 - (b) Block C shall have a maximum height of seven storeys. This shall be achieved by omission of the seventh and eighth floors and of units C7.01, C7.02, C7.03, C7.04, C7.05, C8.01, C8.02, C8.03, C8.4 and C8.05. The block shall also have a five storey shoulder line similar to Block B. The block shall be pulled back from fifth floor with the omission of two of the two bedroom units – Units C5.02 and C6.02 and the pulling back and omission of the adjacent two bed units C5.03 and C6.03. The block shall then have its north elevation from fifth floor upward in a position equivalent to a line north of the firefighting lobby for the width of the block.
 - (c) With the line of the firefighting lobby forming the new north elevation there would be a portion of the omitted two bed units retained (Units C5.03 and C6.03) and this residual space shall be incorporated into the floor areas of the one bed two person units immediately south of the omitted units for the creation of two amended two bed four person apartments. These new units shall be designated C5.04 and C6.04.
 - (d) With the setback required above there would be an area of open roof at fifth floor forward of the setback and this shall become part of the proposed fifth floor communal terrace. The open area north of the new unit C5.04 shall become a private terrace for that unit.

- (e) Recessed at fifth floor and above the firefighter's lobby shall have the same window pattern to the setback northern elevation as to the apartments below, that is, continuing the window arrangement as seen to C4.03, C4.04 and C4.05.
- (f) The proposed south-west facing windows at first to fourth-floor levels along the rear elevation of proposed block C serving circulation cores and apartments C1.08, C1.09, C2.08, C2.09, C3.08, C3.09, C4.08, and C4.09 shall be amended to feature high-level windows set 1.8 metres above the respective internal floor levels, or a similar form of screening to address the potential for excessive direct overlooking to the rear.
- (g) Provision of 1.8 metre high privacy screens to the south-west side of the balconies serving apartments C1.08, C1.09, C2.08, C2.09, C3.08, C3.09, C4.08, C4.09;
- (h) Provision of landscaping to form defensible space or screening along the south-west side parapet wall to the first-floor communal open space between proposed Blocks B and C;
- (i) Provision of landscaping to form defensible space or screening along the southwest side parapet wall to the fifth-floor rear communal roof terrace to proposed Block C.
- (j) The proposed loading bay on Richmond Road shall be omitted and replaced with a kerbed footpath;

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of visual and residential amenities, and traffic safety.

3. Prior to the first occupation of the residential units hereby permitted, the artists' studios, crèche, retail unit and gym facility hereby permitted, shall be fully fitted out and suitable for immediate occupation and operation.

Reason: To ensure the orderly development of the site and to comply with the land-use zoning objectives of the Dublin City Development Plan 2022-2028.

4. Prior to commencement of development, finalised details for the site boundaries subject of the proposed flood defence wall shall be submitted to and agreed in writing with the planning authority.

For the avoidance of any doubt, in the absence of an alternative similar-functioning, flood-risk mitigation measure, the proposed flood-defence wall along the site boundaries shall be constructed as per the details in the 'Landscape Masterplan – Scenario B with Flood Wall' drawing number RIC0001-MA-XX-XX-DR-L-103 and the 'Flood Wall Elevation' drawing number 210178-DBFL-RD-SP-DR-C-5211 Revision P01.

Reason: In the interests of orderly development and mitigating the risk of flooding.

5. The artists' studios shall be for the use of visual artists only, including paint, sculpture, design, illustration and film. The studios, including the exhibition space, shall not be used for theatre, dance or music rehearsal. Any performative art events, including jazz clubs, poetry readings, shall take place in the exhibition space only with such events ending prior to 2200 hours daily.

Reason: In the interest of residential amenities of future occupants.

6. Prior to the first occupation of the artists' studios, an operational management plan for the studios, including details of the booking system for the exhibition space, shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure a satisfactory standard of development.

7. (a) Music associated with the use of the proposed gym shall be inaudible at the nearest noise-sensitive premises.
- (b) Classes in the gym shall only be held between 0700 hours and 2100 hours daily. All music played within the premises shall be controlled through a limiter system.
- (c) A floating floor or equivalent flooring system shall be installed in all areas where weights and treadmills are to be used. The floor must provide an adequate level of isolation at frequencies below 50Hz for weights up to 200 kilograms.

Reason: In order to safeguard the amenities of adjoining premises and neighbouring residents.

8. The opening hours for all non-residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any operations in each respective unit.

Reason: In the interest of residential amenity.

9. Details of the materials, colours and textures of all the external finishes to the proposed development 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.

10. Prior to the occupation of the proposed non-residential units (retail unit, gym facility, artists' studios, including exhibition space, and childcare facility), finalised service details, as well as details of any proposed signage to be applied to the elevations of the respective buildings, including details of the glazing, materials, colour, lettering and depth of the signage, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of clarity and the visual amenity of the area.

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

Reason: In the interest of urban legibility.

12. The road works along Richmond Road, including the vehicular access serving the proposed development, cycle paths, pedestrian crossing, drainage, 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 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 interest of amenity and of traffic and pedestrian safety.

13. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads and Streets guidance and Transport Infrastructure Ireland standards. The independent audit team(s) shall be approved in writing by the planning authority and all measures recommended by the Auditor(s) shall be implemented unless the planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted and agreed with the planning authority prior to commencement of development.

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

14. (a) The car parking facilities hereby permitted shall be reserved solely to serve the development on the subject site. Car parking spaces shall not be utilised for any other purpose than those stated in the application, 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 spaces within the development shall be assigned, segregated by use and how car, cycle, motorcycle and car-share club parking, shall be continually managed.
- (c) Details of all cycle parking, including the racking system and the provision of cargo-cycle parking spaces, shall be submitted to and agreed in writing with the planning authority prior to the occupation of development.

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

15. Prior to the occupation of the development, a finalised Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This plan shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents of the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

16. The percentage of all car parking spaces to be provided with functioning electric-vehicle charging stations/points will be as set out in the application documents, 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, 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.

17. The new telecommunications infrastructure to be provided at roof level to Block B shall be:
 - (a) Three number support poles attached to the lift shaft overrun at 2.36 metres above roof level with each of these poles supporting two number microwave link dishes only.
 - (b) Nine number support poles attached to ballast mounts rising to 2.8 metres above parapet level. Each of these poles shall accommodate one number two metre 2G/3G/4G antenna and one number 5G antenna. The support poles shall be located only in the areas shown on the roof plan. Each pole shall be surrounded by a

shroud. Any further telecom signal infrastructure to the nine number support poles shall be accommodated only inside the shroud whether or not they would be exempted development.

Prior to commencement of development of the telecommunications infrastructure, details, including samples, shall be submitted for the written agreement of the planning authority with regard to the materials, colour and general appearance of the shrouds.

Reason: To ensure the visual integrity of the roofscape in the interest of visual amenity.

18. No additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

19. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

20. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) 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.

- (c) 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.
- (d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the planning authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

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

21. Public lighting shall be provided in accordance with a scheme, which shall include lighting for the public open spaces, communal spaces and parking/servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

22. No advertisement or advertisement structure shall be erected or displayed on the buildings (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

23. 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.

24. 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.

25. (a) 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 legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. The management scheme shall provide

adequate measures for the future maintenance of public open spaces, roads and communal areas.

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

26. 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 in advance of the commencement of development works on the site (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 between the parties regarding compliance with any of the requirements of this condition, 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.

27. 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 development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

28. 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 provide details of the construction practice for the development, including:

- (a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
- (b) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
- (c) Details of on-site car parking facilities for site workers during the course of construction;
- (d) 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.

- (e) Measures to obviate queuing of construction traffic on the adjoining road network;
- (f) Details of construction phase mobility strategy, incorporating on-site mobility provisions;
- (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 no silt or other pollutants enter local surface water sewers or watercourses;
- (n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority; and
- (o) An invasive species management plan.

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

29. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

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

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

31. 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.

32. 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.

33. 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 31st day of August 2023.