

An
Bord
Pleanála

Board Order
ABP-317840-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: LRD6025/23-S3

Appeal by John Conway and the Louth Environmental Group care of BKC Solicitors of 252 Harold's Cross Road, Harold's Cross, Dublin, by LUMRA care of BPS Planning and Development Consultants of Ballintone, Greenan, County Wicklow and by Binford Limited care of McGill Planning and Development of 22 Wicklow Street, Dublin against the decision made on the 27th day of July, 2023 by Dublin City Council to grant subject to conditions a permission to Binford Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission is sought for a period of seven years, for development including demolition of all existing buildings on site and construction of a new residential development providing 196 number apartments which will include 118 number Build to Sell apartments (58 number one bed and 60 number two beds) and 78 number Build to Rent apartments (52 number studios, 22 number one beds and four number two beds) within three number blocks ranging in height from three to 12 storeys.

Block A will range in height from three to seven storeys and will provide 76 number apartments.

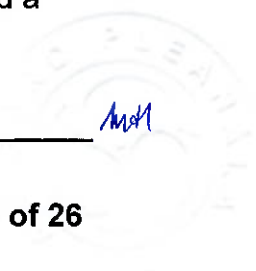
Block B will range in height from six to seven storeys over basement and will provide 80 number apartments.

Block C will be 12 storeys over basement and will provide 40 number apartments.

All residential units will be provided with associated private balconies/terraces to the north/south/east/west.

The proposal also includes a community, cultural and arts space (circa 588 square metres) including artists' studios, gallery café, retail/workshop area and associated facilities, resident amenity space (circa 463.2 square metres), roof terraces (circa 440 square metres), plaza/public open space (circa 774 square metres) and communal garden areas (circa 2,019 square metres).

Vehicular/Cyclist/Pedestrian access will be from the existing Phibsborough Road access (east of the site) with two additional pedestrian accesses provided to the Royal Canal Way to the north (necessitating alterations to/removal of portions of the existing boundary wall). The proposed development will also include car, cycle and motorcycle parking at surface and basement level, all associated site development works, landscaping, boundary treatments, plant areas, waste management areas, and services provision (including ESB substations and telecommunications), all on a site of circa 0.73 hectares at the Old Bakery Site also known as 113 Phibsborough Road, Cross Guns Bridge, Phibsborough, Dublin. The site is bounded by the Royal Canal to the north, the Phibsborough Road and a protected structure (RPS Ref: 6732) ('Cross Guns Quay') to the east, a laneway to the rear of residential properties (which front Leinster Street North) to the south and a residential development ('Shandon Mill') to the west.



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 'Z1 – Sustainable Residential Neighbourhoods' under the Dublin City Development Plan 2022-2028,
- (b) the policies and objectives of the said Dublin City 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 2023,
- (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 documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment 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:

- 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,
- the location of the proposed apartments, artists' studios with workshop and staff facilities, café and community facility on lands zoned within the Dublin City Development Plan 2022-2028 as 'Z1 - Sustainable Residential Neighbourhoods' with a stated objective 'to protect, provide and improve residential amenities' and the results of the Strategic Environmental Assessment of that development plan,
- the nature of the existing site and the pattern of development in the surrounding area,
- the availability of mains water and wastewater services to serve the proposed development,
- 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,
- 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),
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and

- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Outline Construction, Demolition and Environmental Waste Management Plan, the Ecological Impact Assessment Report, the Construction and Environmental Management Plan, the Flood Risk Assessment, the Basement Impact Assessment and the Engineering Assessment 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) the proposed block C shall have a maximum height of nine storeys. This shall be achieved by omission of the eighth, ninth and tenth floors to the proposed block C, comprising apartment numbers 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195 and 196,
 - (b) the proposed telecommunications antenna and equipment shall be omitted from the development,
 - (c) all private terraces and ground-floor windows serving residential units adjacent to circulation areas, entrance locations or communal space, shall be provided with defensible space in the form of landscaped buffers measuring minimum depths of 1.5 metres,
 - (d) the provision of a 1.5 metres high boundary between the proposed communal and public open space on site,

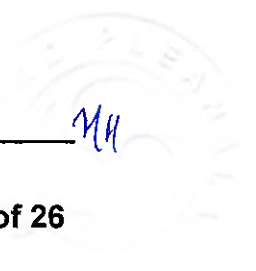
- (e) the provision of a total of five car-share club parking spaces within the proposed development,
- (f) the provision of additional play units within the proposed surface-level communal open space area,
- (g) confirmation of a minimum 60% build-to-sell apartments within the development and at least 50% of the build-to-sell apartments to comprise two-bedroom units.

Revised drawings and details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The drawings will include floor plans clearly identifying the Build to Rent units within the scheme.

Reason: In the interests of the visual and residential amenities of the area, the amenities of future occupants of the proposed development, to safeguard the built heritage of the area and to ensure the development accords with the provisions of the Dublin City Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023.

3. Planning permission shall expire five years from the date of this Order.

Reason: To ensure the satisfactory completion of the overall development.



4. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment, the Construction Environmental Management Plan and Basement Impact Assessment submitted with the application, 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.

5. The proposed café/gallery shall be operated as a standard café and the proposed workshop/retail facility at ground floor to block B shall be provided for community use.

Prior to the first occupation of the residential units hereby approved, the artists' studios, community-use facility and the residents' support facilities hereby approved, shall be fully-fitted out and shall be suitable for immediate occupation and operation.

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

6. The management and maintenance of the Build-to-Sell units hereby approved, including all community, arts and culture spaces shall be the responsibility of a legally-constituted management company. A management scheme providing adequate measures for the future maintenance of roads and communal areas and open spaces, arts and culture spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Both the communal resident facilities and the community, arts and culture spaces provided shall be retained in such use and shall not be let, sold or occupied separately. All such facilities shall be freely available by means of a booking system to be administered by the on-site management company unless otherwise agreed in writing by the planning authority.

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

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

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

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

Reason: In the interests of orderly development and clarity.

9. 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.

Reason: In the interest of visual amenity.

10. The developer shall submit full details of all proposed changes to the site boundary wall along the Royal Canal, including removal and lowering of the boundary wall onto the canal towpath. Such details shall be subject of consultation with Waterways Ireland and agreed in writing with the planning authority prior to commencement of development. Use of the proposed accesses onto the canal by the public, as well as residents and patrons of the development, shall be limited to the daytime hours of 0700 to 2200 only, unless otherwise agreed in writing with the planning authority.

Reason: To safeguard the amenities and heritage of the adjoining conservation area.

11. Prior to the occupation of the proposed non-residential units (café and artists' studios), 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.

12. An extraction and ventilation plan for the café shall be submitted for the written agreement of the planning authority prior to the occupation of the café. All emissions to air associated with the development must be free from offensive odour and shall not result in an impairment of, or an interference with, amenities or the environment.

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

13. Access to the proposed communal roof terraces shall be restricted to residents of the scheme between the hours of 0700 and 2200 only. 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 interests of residential amenity and orderly development.

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

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

15. 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.

16. The development shall comply with the following requirements:
- (a) Prior to commencement of development, the applicant/developer shall liaise with the National Transport Authority with regards any future requirements for Ballymun/Finglas to City Centre BusConnects route and MetroLink. The final details of the interface with Phibsborough Road (R108) and on-site provisions shall be agreed in writing with the planning authority.
 - (b) Prior to commencement of development, full details of all potential works to the public road and the public realm, shall be agreed in writing with the planning authority. Materials shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works to the public road and the public realm including, road and footpath modifications, lighting, drainage and materials considered acceptable to Dublin City Council shall be carried out at the developer's expense. 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.

17. 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 to and agreed with the planning authority prior to commencement of development.

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

18. (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 and non-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 final racking system and the provision of 2.5 metres wide aisle widths, shall be submitted to

and agreed in writing with the planning authority prior to the occupation of development.

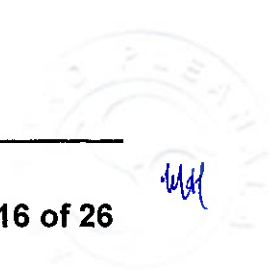
Reason: To ensure that adequate parking facilities are permanently available to serve the proposed development.

19. 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 management strategy shall be prepared and implemented by the management company for all residential and non-residential units within the development.

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

20. The percentage of all car parking spaces to be provided with functioning electric-vehicle charging stations/points shall 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 have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to 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.



21. 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.

22. 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.

23. (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 the proposed development and shall be implemented in accordance with that agreement.

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

24. Public lighting shall be provided in accordance with a final 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. Any bat-sensitive lighting for the proposed development shall accord with the updated guidance contained in 'Bats and Artificial Lighting in the UK Guidance Note GN 08 23'. External lighting shall not be installed on the canal side of the proposed development.

Reason: In the interests of amenity and public safety, to prevent illumination of the Royal Canal corridor, and not to inhibit usage of the corridor by otter and bat species.

25. 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.

26. The development shall comply with the following requirements:

- (a) The applicant/developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will not be taken in charge and will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime to be agreed in writing with the planning authority. The public open space shall be made open to public use on completion of the development.
- (b) The developer shall retain the professional services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the site development works. The landscape scheme accompanying the application as amended below, shall be implemented fully in the first planting season following completion of the development or completion of any phase of the development, and any vegetation which dies or is removed within three years of planting shall be replaced in the first planting season thereafter.
- (c)
 - (i) The landscape scheme shall include further play units within the communal open space play area.
 - (ii) The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division of the planning authority.
 - (iii) The landscape consultant shall submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented and for bond release.

- (d) The pedestrian access to the Royal Canal and the public open space plaza at the eastern end of the site shall be opened during the hours of 0700 and 2200 only and closed outside of these hours unless otherwise agreed in writing with the planning authority .

Reason: To provide for the satisfactory completion and management of the public open space.

27. 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.

28. 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.

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 sustainable waste management.

30. 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 onsite 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, watercourses or the canal;
- (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;
- (o) An invasive species management plan.

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

31. 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.

32. 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.

33. 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 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

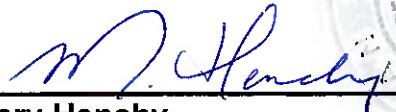
Reason: To ensure the satisfactory completion of the development until taken in charge.

34. 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.

35. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City (Saint Stephen's Green to Broombridge Line), in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Mary Henchy

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

Dated this *8th* day of *December* 2023.