

Board Order ABP-318607-23

Planning and Development Acts, 2000 to 2022

Planning Authorities: Dublin City Council

Application by the Land Development Agency, on behalf of Dublin City Council, care of KPMG Future Analytics, 1 Stokes Place, St. Stephen's Green, Dublin for approval under section 175 of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report lodged with An Bord Pleanála on the 1st day of December 2023.

Proposed Development: The proposed development will consist of the construction of a residential led mixed use scheme containing 708 number residential apartments comprising 547 number cost rental and 161 number social / affordable units, a convenience retail supermarket, independent retail / commercial units, dedicated internal and external community and arts / cultural spaces, a childcare facility with associated outdoor play area, landscaped public open space including community plaza, multipurpose amenity lawn, play space, outdoor fitness trail, multi-use games area (MUGA), playground, and all associated site and development works.

The proposed development (gross floor area of circa 66,398.8 square metres) involves the construction of 16 blocks contained within 9 buildings ranging in height from 4 to 15 storeys comprising 28 number studio units, 263 number one-bed units, 368 number two-bed units (52 number two-bed, three-person and 316 number two-

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bed, four person) and 49 number three-bed units (59,022.8 square metre total residential gross floor area), together with a convenience retail supermarket (2,523 square metre gross floor area), 7 number retail / commercial units (totalling 373 square metre gross floor area), community, arts and cultural spaces delivered across 13 number community and arts / cultural units (totalling 1,222 square metre gross floor area), and associated external events space and community gardens (1,157 square metre), a childcare facility (672 square metre gross floor area) with associated external playing space (200 square metre) and all ancillary and sundry accommodation including sub stations, plant, refuse stores, cycle stores, and metre / comms rooms (2,586 square metre total gross floor area).

The proposed development is described on a block-by-block basis as follows:

- Building 1 (4,594 square metre gross floor area) contains 24 number apartments comprising 13 number one-bed units and 11 number two-bed units, a convenience retail supermarket and associated ancillary accommodation in a block of 5 storeys above an additional car parking storey to the rear (6 floors total). Shared communal open space (2,226 square metre) between Buildings 1, 2A, 2B and 3 is provided in the form of a landscaped podium courtyard with outdoor gym, lawn area, playground, community vegetable patch, associated outdoor seating area.
- Building 2A (3,084.8 square metre gross floor area) contains 27 number apartments comprising 8 number one-bed units, 14 number two-bed units and 5 number three-bed units, 4 number retail / commercial units and associated ancillary accommodation in a block of 6 storeys.
- Building 2B (10,096 square metre gross floor area) contains 110 number apartments comprising 1 number studio unit, 43 number one-bed units and 66 number two-bed units, 3 number retail units, community and arts / cultural space and associated ancillary accommodation in a block of 15 storeys.
- Building 3 (3,611 square metre gross floor area) contains 35 number apartments comprising 12 number one-bed units and 23 number two-bed units, community and arts / cultural space including provision for a Dublin City Council Community and Estate Management Office and associated ancillary accommodation in a block of 5 storeys.

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- Building 5A (5,032 square metre gross floor area) contains 54 number apartments comprising 10 number studio units, 16 number one-bed units and 28 number two-bed units, a childcare facility with associated external play area and associated ancillary accommodation in a block of 6 storeys. Shared communal open space (550 square metre gross floor area) between buildings 5A and 5B is provided in the form of a landscaped lawn area with external seating.
- Building 5B (2,628 square metre gross floor area) contains 29 number apartments comprising 10 number one-bed units, 14 number two-bed units and 5 number three-bed units and associated ancillary accommodation in a block of 5 storeys.
- Building 6A (5,019 square metre gross floor area) contains 58 number apartments comprising 20 number one-bed units, 32 number two-bed units and 6 number three-bed units and associated ancillary accommodation in a block of 6 storeys. Shared communal open space (1,200 square metre) between buildings 6A, 6B, 7A and 7B is provided in the form of a landscaped courtyard with lawn area, playground and external seating.
- Building 6B (2,584 square metre gross floor area) contains 24 number apartments comprising 8 number one-bed units, 12 number two-bed units and 4 number three-bed units, community and arts / cultural space and associated ancillary accommodation in a block of 5 storeys.
- Building 7A (6,363 square metre gross floor area) contains 81 number apartments comprising 6 number studio units, 35 number one-bed units and 40 number two-bed units and associated ancillary accommodation in a block of 7 storeys.
- Building 7B (3,208.8 square metre gross floor area) contains 30 number apartments comprising 5 number one-bed units and 25 number two-bed units, community and arts / cultural space and associated ancillary accommodation in a block of 6 storeys.
- Building 8A (5,424 square metre gross floor area) contains 63 number apartments comprising 6 number studio units, 17 number one-bed units, 34 number two-bed units and 6 number three bed units and associated ancillary accommodation in a block of 6 storeys. Shared communal open space (1,020)

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- square metre) between buildings 8A, 8B, 9A and 9B is provided in the form of a landscaped courtyard and associated external spaces with lawn areas, playground and associated external seating.
- Building 8B (2,640 square metre gross floor area) contains 33 number apartments comprising 5 number studio units, 13 number one-bed units, 10 number two-bed units and 5 number three-bed units and associated ancillary accommodation in a block of 5 storeys.
- Building 9A (3,791 square metre gross floor area) contains 47 number apartments comprising 29 number one-bed units, 13 number two-bed units and 5 number three-bed units and associated ancillary accommodation in a block of 5 storeys.
- Building 9B (2,075.2 square metre gross floor area) contains 22 number apartments comprising 8 number one-bed units, 10 number two-bed units and 4 number three-bed units and associated ancillary accommodation in a block of 4 storeys.
- Building 10A (3,664 square metre gross floor area) contains 42 number apartments comprising 16 number one-bed units, 22 number two-bed units and 4 number three-bed units and associated ancillary accommodation in a block of 4 storeys. Shared communal open space (600 square metre) between buildings 10A and 10B is provided in the form of a landscaped lawn area with external seating.
- Building 10B (2,584 square metre gross floor area) contains 29 number apartments comprising 10 number one-bed units, 14 number two-bed units and 5 number three-bed units and associated ancillary accommodation in a block of 5 storeys.

The proposed development also includes the provision of landscaped public open space of 6,123 square metres including a public plaza, multi-use playing spaces, outdoor fitness trail, communal amenity space of 5,596 square metres. Private open space for the apartments units is achieved through the provision of balconies or terraces for all individual apartments. Boundary treatment in the form of 3 metre high timber hoarding is proposed as a temporary interim solution to the future Phase 2 and Phase 3 development to the north-west (Phase 2) and north-east (Phase 3) of the site and to the proposed Irish Rail compound along the western boundary of the

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site pending the implementation of future development phases. Permanent boundary treatment comprising 1.8 metre high powder coated vertical railing is proposed to the top of the embankment adjacent the rail line to the south. A permanent 1.8 metre high railing is proposed to the secured communal courtyards and creche garden. Railings and gates to secure the communal courtyards are also proposed as part of the development.

The proposed development will also involve the provision of 444 number car parking at undercroft and surface level throughout the development, of which 328 number spaces will be for residential use. 99 number non-residential car parking spaces are also proposed to serve the commercial element of the scheme, 92 of which will serve the proposed supermarket with 7 spaces reserved for the individual retail units. 6 number car parking spaces are proposed to serve the childcare facility. The proposed development also includes the provision of 11 number car sharing spaces. 21 of the proposed car parking spaces will be accessible and 222 number electric vehicle (EV) fitted representing 50% of the total parking spaces. 22 number motorcycle spaces are also proposed to serve the development.

A total of 1,618 number bicycle parking spaces, accommodated through a mixture of secure designated cycle stores and stacked bicycle racks / Sheffield stands are also proposed as part of the development. 1,552 number of these spaces are designated for residential use including the provision of 245 number short stay / visitor spaces. The remaining 66 number spaces are provided for the non-residential element of the development which includes 52 number short stay / visitor spaces.

Vehicular, pedestrian and cyclist access routes to serve the proposed development are provided from new entrances to the east of the site along Cedar Brook Avenue and Park West Avenue, upgrades to Cherry Orchard Green including landscaping and provision of a dedicated cycle path. The proposed development also includes the provision of off-street cycle lanes along Park West Avenue and Cherry Orchard Green that will provide direct connectivity to the Rail Station to the southeast and Cherry Orchard Park to the east.

The development will also provide for all associated ancillary site development infrastructure including site clearance, boundary treatment, associated public

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lighting, internal roads and pathways, Electricity Supply Board (ESB) substations, switch room, water tank rooms, storage room, meter room, sprinkler tank room, comms room, bin storage, bicycle stores, hard and soft landscaping, play equipment, boundary walls, attenuation area, green and blue infrastructure including green roofs, PV panels and all associated works and infrastructure to facilitate the development including connection to foul and surface water drainage and water supply.

All located on lands at Cherry Orchard, Dublin.

Decision

APPROVE the above proposed development 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 has had regard to the following:

- (a) The nature, scale, and extent of the proposed development,
- (b) the provisions of the Project Ireland 2040 National Planning Framework,
- (c) the provisions of the Climate Action Plan 2023 and Climate Action Plan 2024,
- (d) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (e) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018),
- (f) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued under Section 28 of the Planning and Development Act, 2000 (as amended) (July 2023),
- (g) the provisions of the Design Manual for Urban Roads and Streets (2019),

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- (h) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,
- (i) the provisions of the Dublin City Development Plan 2022-2028 including the 'Z14 - Strategic Development and Regeneration Areas (SDRAs)' zoning for the site,
- (j) the provisions of the Park West Cherry Orchard Local Area Plan 2019,
- (k) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report and the Appropriate Assessment Screening Report,
- (I) the submissions and observations received on file,
- (m) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European Sites,
- (n) the availability in the area of public transport infrastructure,
- (o) the planning history in the vicinity of the site, and,
- (p) the report of the Inspector.

Appropriate Assessment:

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 brownfield/greenfield site in an urban area adjacent to a railway line and the M50 motorway, the distances to the nearest European Sites, the possible pathway considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report, and the Inspector's report.

In completing the screening exercise, the Board agreed with and adopted the report of the 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.

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Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies and observers in the course of the application, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, 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 associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned Conclusion on the Significant Effects:

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated where relevant, as follows:

- Population There would be significant positive impacts on population due to the increase in housing stock within the local area.
- Air Quality and Noise and Vibration The subject site is in relatively close
 proximity to existing residential properties. Construction activity could give rise to
 dust and noise nuisance from the subject site to nearby receptors.
 Recommended mitigation measures in this regard are well-proven, good practice
 measures, and are capable of being successfully implemented.
- Landscape and Visual While the proposed development is up to a maximum fifteen storeys in height it is consistent in mass, scale, and height with the design

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brief for the site as set out in the Park West - Cherry Orchard Local Area Plan 2019 and it is also similar to permitted development in the area. The current development site is an undeveloped greenfield/brownfield fenced off area adjacent to a motorway and a railway line and is of limited visual amenity. No adverse landscape or visual impact would result from the proposed development.

- Traffic and Transport The car parking provision proposed for the proposed development is low and it would not give rise to undue additional vehicular traffic impact in the area. There is both a commuter rail service and a bus route immediately adjacent to the site which would encourage the use of public transportation and reduce the need for car trips.
- Climate The development would be consistent with the broad planning and climate framework that is in place as it would sustainably develop a greenfield/brownfield urban site which is adequately served by public transport. It would contribute to compact growth and sustainable mobility objectives.
- Biodiversity The development site is of limited biodiversity value and there
 would be no significant adverse impact on flora or fauna as a result of the
 proposed development.

Proper planning and sustainable development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the development objectives and other provisions of the Park West - Cherry Orchard Local Area Plan 2019, with the zoning objectives and other policies and objectives of the Dublin City Development Plan 2022-2028, would positively contribute to compact growth and would make efficient use of an appropriately zoned greenfield/brownfield site within the urban area of Dublin City in an area well served by public transport, would positively contribute to an increase in housing stock and commercial/retail floorspace, would be acceptable in terms of urban design and layout and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would

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not seriously injure the residential or visual amenities of the area or significantly increase traffic volumes in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the Environmental Impact Assessment Report, except as may otherwise be required in order to comply with the following conditions. Where such conditions require further details to be prepared by or on behalf of the local authority these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity.

2. The period during which the proposed development hereby permitted may be constructed shall be seven years from the date of this Order.

Reason: In the interest of clarity.

3. The mitigation measures identified and contained within the Environmental Impact Assessment Report and all other plans and particulars submitted with the application shall be implemented in full, except where otherwise required by conditions attached to this permission.

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

- 4. Prior to the commencement of development the developer shall submit, for the written approval of the local authority:
 - (a) revised access junction layouts which reflect the provisions of the CycleDesign Manual (2023), and

(b) a layout plan which shows the interface of the proposed development site with the plaza area to the front/east of the train station.

Reason: In the interests of clarity and active transport.

Appropriate noise mitigation measures, including as set out in Section 18.2.3 of 5. the Environmental Impact Assessment Report, shall be incorporated into the fabric of the buildings to comply with noise insulation requirements.

Reason: In the interests of clarity and residential amenity.

The townland and parish boundaries as identified in Chapter 9 of the 6. Environmental Impact Assessment Report shall be retained where feasible and treated as set out on page 35 of the submitted Landscape Design Statement. A rock/plaque/information board should be provided to mark these boundaries. Full details of this shall be submitted to, and agreed in writing with, the local authority prior to commencement of development.

Reason: In the interests of protecting the cultural heritage of the area.

Full details of the specific use of the retail/commercial units shall be submitted 7. to and agreed in writing with the local authority prior to occupation of the units.

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

The development shall be constructed in accordance with the phasing plan 8. shown on drawing number 2202-PA-010, as submitted with the application.

Reason: In the interest of orderly development.

Prior to the completion of Phase 1A of the development hereby permitted, 9.

- the permitted supermarket, retail/commercial units and community, arts and cultural spaces shall be fully fitted out and suitable for immediate occupation and operation.
- (b) Prior to the completion of Phase 1B of the development hereby permitted, the permitted creche and community, arts and cultural spaces shall be fully fitted out and suitable for immediate occupation and operation.
- (c) Details of all supermarket, retail/commercial, creche, and community, arts and cultural signage shall be submitted to, and agreed in writing with, the local authority prior to operation of any of these units.

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

- 10. (a) The fulacht fia on site shall be fully exposed and recorded and a report shall be prepared by a suitably qualified archaeologist and submitted to the local authority.
 - (b) Notwithstanding subsection (a), 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:
 - (i) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (ii) provide arrangements for the recording and for the removal of any archaeological material which the local authority considers appropriate to remove.

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.

11. The internal road network serving the proposed development, including turning bays, junctions with the public road, parking areas, footpaths and kerbs, homezones, raised tables, signage, shall be in accordance with the detailed construction standards and requirements of the local authority for such works

and with the relevant provisions of the Design Manual for Urban Roads and Streets (DMURS) (2019).

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

13. 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.

14. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Outdoor Lighting Report and these details shall be placed on the file and retained as part of the public record. The detail shall include measures for the protection of bats. Such lighting shall be provided in each phase prior to the making available for occupation of any residential unit in that phase.

Reason: In the interests of residential amenity, protection of bats, and public safety.

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

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

- 16. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.
 Reason: In the interest of public health.
- 17. The site shall be landscaped in accordance with the detailed scheme of landscaping which accompanied the application submitted, unless otherwise agreed in writing with the local authority prior to commencement of development. The landscape scheme shall be implemented fully in the first

planting season following completion of each phase of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In the interests of residential and visual amenity.

- 18. (a) Residential car parking spaces shall be permanently allocated to residential use and shall not be sold, rented, or otherwise sub-let or leased to other parties.
 - (b) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the local authority prior to the occupation of the development.
 - (c) Prior to the occupation of the development a Parking Management Plan shall be prepared for the development which shall be placed on the file and retained as part of the public record.
 - (d) Detail of cycle parking shall be prepared for the development, having regard to the submission of the National Transport Authority, and shall be submitted to, and agreed in writing with, the local authority prior to the commencement of development. The bicycle parking quantity shall be provided as per the bicycle parking standards of the Dublin City Development Plan 2022-2028 and shall comply with specific planning policy requirement (SPPR) 4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Resident cycle parking spaces shall be secure, conveniently located, sheltered, and well lit. Key/fob access shall be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within

the resident cycle parking areas shall be provided. All cycle parking shall be in situ prior to the occupation of the development.

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

- 19. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation, and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be prepared and shall be placed on the file and retained as part of the public record. Thereafter, the waste shall be managed in accordance with the agreed plan.
 - (b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.
 - (c) This plan shall also include the provision of a glass bottle recycling bank, ideally within close proximity to community/retail uses.

Reason: In the interest of residential amenity, to ensure the provision of adequate refuse storage, and as per the development objective for the site as set out in the Park West - Cherry Orchard Local Area Plan 2019.

20. A Resource Waste Management Plan as set out in the Environmental Protection Agency's Best Practice Guidelines for Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared, including demonstration of proposals to adhere to best practice and protocols. The Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. All records (including for waste and all resources) pursuant to the agreed Resource Waste Management Plan shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

- 21. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be placed on the file and retained as part of the public record. This plan shall provide details of intended construction practice for the development, including:
 - (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings. Hoardings shall include a one square metre area on each frontage detailing site management contact details;
 - (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; and
 - (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 road network;
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works;
 - (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;

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- (m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the local authority; and
- (n) a community liaison officer shall be appointed for the duration of the construction works.

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

22. The Construction and Environmental Management Plan shall be prepared and be placed on the file and retained as part of the public record. The Construction and Environmental Management Plan shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection and orderly development.

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

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

- 24. (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 management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the local authority before any of the residential units are made available for occupation.

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

Eamonn James Kelly Member of An Bord Pleanála

duly authorised to authenticate the seal of the Board.

Dated this qth day of 5000 2024