

An
Coimisiún
Pleanála

Commission Order
ABP-319621-24

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0456

Appeal by Kevin Cullen of Sliding Rock, Blackglen Road, Sandyford, Dublin, Blathas Property Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, Dublin and by Others against the decision made on the 11th day of April 2024, by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a permission to Blathas Property Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of the demolition of the existing single storey dwelling, garage, boiler house, two number dwarf block walls and associated structures at 'Crohamhurst' (approximately 209.8 square metres) and the construction of a new neighbourhood centre and residential development in three number new build Blocks A, B and C ranging between three to six storeys in height over part one and part two storey basement level. The development consists of 80 number residential apartment units (22 number one bed units, 41 number two bed units, and 17 number three bed units) and associated residential amenity space, a supermarket and associated off licence, a restaurant/bar and associated

winter garden, two number retail units (a pharmacy and a beauty/hair salon), an ATM area, a health centre, and a café.

The overall development proposal shall provide for the following:

- Block A is three to five storeys over two storey basement (overall height approximately 26.1 metres from basement level) and shall consist of:
 - (a) 31 number residential apartment units (15 number one bed units, 15 number two bed units and one number three bed unit) at second to fourth floor levels and associated residential amenity space (approximately 55.8 square metres) at third floor level,
 - (b) a supermarket and associated off-licence (approximately 1,508 square metres) including net retail floor space of approximately 1,000 square metres, associated storage area, staff area, goods in area and customer toilets all located at ground floor and first floor levels,
 - (c) a restaurant/bar (approximately 430 square metres) including kitchen, back of house area, cold room, outdoor bottle yard, store area and associated winter garden area (approximately 68 square metres) at ground floor level,
 - (d) a pharmacy (approximately 77 square metres) at ground floor level,
 - (e) a beauty/hair salon (approximately 35 square metres) at ground floor level,
 - (f) an ATM (approximately 10 square metres) at ground floor level, and
 - (g) all associated lobby, storage, circulation, and plant space.

- Block B is five to six storeys over one storey basement (overall height approximately 23.9 metres from basement level) and shall consist of:
 - (a) 26 number residential apartment units (four number one bed units, 14 number two bed units, and eight number three bed units) at ground to third floor levels,
 - (b) two number residential amenity space areas (approximately 57 square metres and 70 square metres respectively) at lower ground floor level,
 - (c) a health centre (approximately 85 square metres) at ground floor level,
 - (d) a greenhouse/conservatory at fourth floor level, and
 - (e) all associated lobby, circulation, storage, and plant space.
- Block C is four to five storeys over one storey basement (overall height approximately 23 metres from basement level) and shall consist of:
 - (a) 23 number apartments (three number one bed units, 12 number two bed units, and eight number three bed units) at lower ground to second floor levels,
 - (b) a café (approximately 265 square metres) at lower ground and ground floor levels,
 - (c) a greenhouse/conservatory at third floor level, and
 - (d) all associated lobby, circulation, storage, and plant space. Each apartment has an associated area of private open space in the form of a balcony/terrace.



Basement level is split over a part one and part two storey arrangement and provides for 215 number car parking spaces (including 46 number EV spaces, nine number disabled spaces, and five number parent and child spaces), 154 number bicycle spaces in the form of four number secure bike storage areas, 18 number motorcycle spaces, a loading area, one number loading bay, trolley bays, one number ESB substation (approximately 38 square metres), four number refuse storage areas (approximately 105 square metres), a recycling area, and circulation and lobby areas. Proposals for signage (total approximately 83.2 square metres) include two number up-lit signage walls (approximately 2.5 metres high by 4.1 metres wide), two number coated box frame signs (approximately 0.5 metres high by 2 metres wide), four number coated aluminium box frame signs (approximately 1.05 metres high by 6 metres wide), five number coated aluminium box frame signs (approximately 0.5 metres high by 3 metres wide), and two number coated aluminium box frame signs (approximately 1 metre high by 4 metres wide).

The development shall also provide for the provision of one number vehicular access point via Sandyford Road to provide for deliveries/servicing and separate car park access, a new cyclist/pedestrian link via Blackglen Road, all pedestrian/cyclist connections through the site, 132 number additional bicycle parking spaces at surface level, one number bus stop and associated canopy, a pump kiosk, and all solar panels at roof level.

Open space is delivered in the form of (a) a central public open space and public realm areas, and (b) communal open space areas both at grade and in the form of six number roof terrace areas (two number for Block A at second and fourth floor levels, two number for Block B at fourth floor level, and two number for Block C at third floor level). The site development and infrastructural works provide for water, foul and surface water drainage and all associated connections, all landscaping and public lighting, all boundary treatment works, internal roads and footpaths and all associated site clearance, excavation, and development works all on a site of approximately



0.77 hectares at Crohamhurst, Sandyford Road, Dublin, and adjoining lands at the junction of Sandyford Road and Blackglen Road, Lamb's Cross, Dublin as amended by the further public notices received by the planning authority on the 15th day of March 2024, to include the provision of a childcare facility.

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

Having regard to the policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including the residential and mixed use zonings on site, the location of the site at a central location within a wider mixed use area incorporating neighbourhood centre, sustainable neighbourhood infrastructure and residential use zoning, the immediate proximity of the site to established local service, retail, community centre and school uses, to the range of uses proposed within the development itself, including supermarket, restaurant/bar, pharmacy, hair salon, health centre, café and crèche, which cumulatively (both existing and proposed uses) create an effective destination type location with amenities immediately available to existing and future residents without the need for travel, thus supporting the scale and overall density of the development at this specific location and in this specific design form, to the high quality design and form of the proposed development, the separation distance to nearby properties, and the acceptability of the proposed development in terms of Gorse Hill and Fitzsimon's Wood proposed National Heritage Area (pNHA), and on hydrogeology, to the relative provision of public transport and accessible road

linkages to the site and the nature and quality of green transport facilities in the area, to the location of the subject site within category "City-Suburban/Urban Extension" as per Sustainable Residential Development and Compact Settlement Guidelines and the Urban Development and Building Height Guidelines, it is considered that the proposed development, subject to compliance with the conditions as set out below, would not seriously injure the residential or visual amenities of the adjoining properties of the area, would be acceptable in terms of pedestrian and traffic safety, would consolidate and add to the overall use mix and provision of residential and associated retail and community services within a defined neighbourhood, such that the residential density of this specific development in the form as proposed, would be appropriate and beneficial by reference to the principles of proper planning and sustainable development including the development plan support for the 10 minute neighbourhood concept and would not adversely impact on the species identified in Gorse Hill and Fitzsimon's Wood pNHA. The proposed development would, therefore, be in accordance with the proper planning and sustainable development for the area.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development in a serviced urban area, the Appropriate Assessment Screening Report and other documentation submitted with the application to Dún Laoghaire-Rathdown County Council, the Inspector's report, and submissions on file received at application and appeal stage. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites.

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Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th day of March 2024, 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. Prior to commencement of development, the developer is required to provide architectural and landscaping plans for an alternative location for the open space associated with the crèche/childcare facility that is more readily accessible to the staff and children at the facility. The availability of communal open space adjacent to the crèche/childcare facility, is noted, and it is considered that a portion of this may be reallocated, with the proposed crèche open space at roof level reallocated for residents of the development.

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

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

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

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

5. Prior to commencement, the developer shall submit revised drawings and details of the vehicular entrance layout for agreement with the planning authority. The revised design shall be updated in order to prioritise pedestrian and cyclist movements over infrequent large vehicle movements and agreed with the Transportation Planning Department prior to commencement.

Reason: In the interest of sustainable transportation.

6.
 - (a) Safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces and the cycle storage facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

7. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

8. All accepted recommendations made within the submitted Quality Audit by MHL and Associates Limited Consulting Engineers dated the 20th day of December 2023, shall be implemented and at the developers expense, a Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit, DMURS Street Design 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 & Streets (DMURS) guidance and Transport Infrastructure Ireland (TII) Standards. The independent audit team(s) shall be approved in writing by the planning authority and all measures recommended by the Auditor shall be undertaken, unless the planning authority approves a departure in writing.

Reason: In the interest of sustainable transportation.

9. The landscaping scheme, as submitted to the planning authority on the 15th day of March 2024, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with

others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. The areas of public open space shown on the submitted plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 15th day of March 2024. This work shall be completed before any of the residential units are made available for occupation unless otherwise agreed in writing with the planning authority.

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

11. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

12. Prior to the commencement of any excavation or rock breaking activities, a detailed plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall include the selected methodology for rock breaking and how the selected method will best reduce environmental impacts including restricting the hours of breaking, setting specific noise limits that if breached will trigger a review of methodology and proposed methods for keeping affected residents informed as works progress.

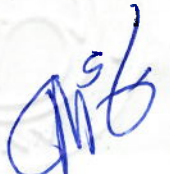
Reason: In the interest of public health and in order to safeguard the amenities of property in the vicinity.

13. Site development and building works shall be carried out 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

14. All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.

Reason: To ensure the timely provision of infrastructural works for the development.



15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - (i) Provision of parking for existing properties during the construction period.

- (j) Details of appropriate mitigation measures for noise, dust, and vibration, 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 drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

16. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection

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by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

17. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent water pollution.

18. Surface water run-off from open excavated areas shall not be discharged directly to any watercourse. All such water shall be trapped and directed to temporary settling ponds.

Reason: To prevent water pollution.

19. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of works.

Reason: To prevent water pollution.

20. Soil, rock, and sand excavated during construction shall not be left stockpiled on-site following completion of works. Details of treatment of stockpiled materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



Reason: In the interest of visual amenity and sustainably re-use materials.

21. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

22. 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 Environmental Protection Agency'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.

23. 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, for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

24. (a) Prior to the commencement of development, the developer shall engage the services of a qualified Ecologist as an ecological consultant, from the commencement of construction and for the duration of the monitoring requirements as set out in the Ecological Impact Assessment (EclA), Hydrological Risk Assessment (HRA), Construction Environmental Management Plan (CEMP) and planning application documents. All mitigation measures shall be fully implemented.
- (b) A Biodiversity Mitigation Plan shall be submitted to the planning authority for written approval at least five weeks in advance of site clearance and commencement of site works. The plan shall outline all the biodiversity related mitigation measures for all phases of the development including clearance works, construction and operation of the development and will include all biodiversity measures relevant to the EclA, HRA, CEMP, Landscape Plan and all associated documents. All mitigation measures relating to Biodiversity, shall be implemented, recorded and reported by a suitably qualified ecologist directly to the planning authority.

- (c) Prior to commencement of development, and prior to the demolition of the existing dwelling, a pre demolition bat survey, shall be carried out by a suitably qualified bat specialist. The National Parks and Wildlife Service (NPWS) must be consulted, and a licence obtained, if required.
- (d) Trees should be felled under the supervision of a suitably qualified ecologist and left intact on the ground for a period of at least 24 hours to allow any bats (if present) to escape and if possible, they should be felled during the months of September or October when bats are not hibernating and still capable of flight.
- (e) Prior to commencement, the developer shall submit a final lighting plan, with input from a mammal and bat specialist, including details regarding the wildlife corridor. The developer shall submit to the planning authority a letter from the specialist/s, that they are satisfied that the final design of the lighting proposed for the development, and that it is to the required specification to ensure no impacts on bats or nocturnal mammals. The lighting plan design shall ensure that the wildlife corridor is unlit and there is no light spill to the wildlife corridor, Gorse Hill and Fitzsimons Woods pNHA, from the proposed site.
- (f) The developer shall submit a report from the project ecologist to the planning authority, providing confirmation that the installation of the lighting is operating according to their satisfaction and specification.
- (g) Prior to the commencement of the development, preconstruction surveys (February to June) of the site shall be carried out for breeding amphibians (smooth newt and common frog) within features along, and adjacent to, the western boundary of the residential site (pond and seepage areas) by an amphibian specialist. The National Parks and Wildlife Service (NPWS) must

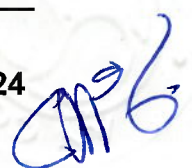
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be consulted, and a licence obtained, if required for the translocation of these species to wetland features in the surrounding area, subject to agreement with NPWS and the planning authority.

- (h) In terms of hydrogeological impacts, and to reduce the risk of any temporary impact on water levels at the newt pond areas, all mitigation measures outlined in the Hydrogeological Risk Assessment (HRA) and Ecological Impact Assessment shall be fully implemented relating to groundwater and surface water.
- (i) Prior to the commencement of the development, a preconstruction mammal survey of the development site and Gorse Hill, up to 150 metres, shall be completed by a suitably qualified ecologist to check for new setts. NPWS must be consulted, and a licence obtained, if required.
- (j) An Invasive Species Management Plan, prepared by an invasive species specialist, shall be provided to the planning authority at least five weeks prior to the commencement of the development, for the treatment and removal of cherry laurel and/or any other invasive species.
- (k) No vegetation clearance shall take place during the bird breeding season (1st day of March to 31st day of August), and any vegetation clearance prior to, during, and after these dates shall be supervised by a suitably qualified ecologist and any features likely to be used by adult newt, lizard or frog, badger, hedgehog and pygmy shrew shall be checked. Any translocation procedures can only proceed under licence from NPWS.
- (l) The installation of bird boxes including swift boxes and lures shall be carried out under the supervision of a suitably qualified ecologist.

- (m) A revised Landscape and Green Roof design shall be submitted at least five weeks prior to commencement for the written agreement of the planning authority, which shall examine the option to use local soil from the site where feasible, to provide the basis for the green biodiversity roof areas which were planned for planting of wildflower seed, and to instead use a local native seed source.
- (n) Given the proximity of the hardstanding shown on the landscape design drawings to the proposed wildlife corridor, the likely required maintenance of any adjacent vegetation and also the lighting associated with the development, it is considered that the developer has not demonstrated the feasibility of the design for the wildlife corridor as a biodiversity refuge. Therefore, a wildlife corridor comprising a width of at least 4.5 metres and based on more detailed design including any lighting in proximity to it, shall be developed in consultation with Dún Laoghaire County Council Biodiversity Officer and shall be submitted at least five weeks prior to the commencement of the proposed development for agreement with the planning authority.
- (o) The developer shall submit monitoring schedule and reports from their ecologist to the planning authority at intervals agreed with the planning authority, for all biodiversity related measures outlined in the planning documents or as a result of consultations with Dún Laoghaire County Council Biodiversity Officer and/or NPWS and shall confirm that the measures have been implemented according to specification. Actions required to be undertaken by the developer as a result of the recommendations of monitoring shall be reported to the planning authority.

Reason: To ensure an adequate protection of biodiversity and to undertake any remedies if required. To mitigate the loss of bird habitat



and to ensure that the appropriate advice and support obtained in relation to birds, to assist the success of the nest boxes.

25. Prior to commencement of development, the developer 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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 for the area.

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

27. No advertisement or advertisement structure, other than those shown on the drawings submitted with the application, shall be erected or displayed on the building (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.

28. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an Archaeological Impact Assessment Report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record, archaeological excavation, and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to, and approval to proceed is agreed in writing with, the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.



Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

29. 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 Coimisiún 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.

30. Prior to commencement of operation, each of the businesses granted permission as part of this development shall agree hours of operation, in writing, with the planning authority.

Reason: In the interest of residential amenity.



31. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 Coimisiún Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

32. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 Coimisiún Pleanála for determination.

Reason: To secure the protection of trees on the site.

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, 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this  **day of**  **2025.**