

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 2360290

Appeal by Bennettstown Residents care of Keith Sutton of Hawthorn Cottage, Bennettstown, Dunboyne, County Meath against the decision made on the 4th day of June 2024 by Meath County Council to grant, subject to conditions, a permission to Marina Quarter Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for the following large-scale residential development consisting of: (i) 267 number residential units comprising 145 number dwelling houses and 122 number apartments/duplexes providing a mix of one, two, three and four-bed units. The dwelling houses range in height from two-three storeys. The apartments/duplexes are in eight number blocks (that is Blocks A-H, with Blocks B and C joined) ranging in height from three to five storeys; (ii) a single storey creche; (iii) modifications to the R157 regional road including changes to the existing carriageway/traffic lanes and the replacement of an existing roundabout with a new signalised junction; (iv) a new signalised junction and link road (including new bridge over the River Tolka) connecting the R157 and the Old Navan Road; (v) the provision of

footpaths, cycle lanes and two number pedestrian crossings on the existing M3 Parkway access road; (vi) a foul pumping station and connection to the existing public sewerage system via the Old Navan Road; (vii) a watermain connection to the north of the site at Pace (townland); (viii) three number ESB substation/kiosks and the undergrounding/re-routing of existing electricity lines; (ix) reprofiling of land and relocation of existing berm adjoining the River Tolka as part of flood mitigation measures and (x) all associated ancillary development works including footpaths, cycle lanes, car and bicycle parking, drainage, public lighting, bin storage, boundary treatments and landscaping/amenity areas at this site measuring 14.17 hectares principally located in Bennetstown (townland) to the south of the M3 Parkway park and ride and rail station, and also extending into Pace and Dunboyne (townlands), Dunboyne North, County Meath. Access will be via two number new vehicular access points along the new link road between the R157 and the Old Navan Road. Pedestrian access will also be provided on to the existing M3 Parkway access road, all principally located in Bennetstown (townland) to the south of the M3 Parkway Park and Ride and Rail Station and also extending into Pace and Dunboyne (townlands), Dunboyne North, County Meath. The proposed development was revised by further public notices received by the planning authority on the 11th day of March 2024

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 proposed housing element of the development site within the settlement boundaries to Dunboyne on lands with a land-use zoning objective 'A2 – New Residential' under the Meath County Development Plan 2021-2027;
- (b) the policies and objectives of that development plan;
- (c) the nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) the pattern of existing and permitted development in the area;
- (e) the provisions of the Climate Action Plan 2024 issued by the Government of Ireland;
- (f) 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;
- (g) the provisions of Project Ireland 2040 - National Planning Framework, issued by the Government of Ireland in 2018;
- (h) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (i) the provisions of Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2024;
- (j) 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 2023;

- (k) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2018;
- (l) the provisions of the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- (m) 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;
- (n) the submissions and observations received, including the response from the applicant to the notice issued under Article 73(1)(a) of the Planning and Development Regulations 2001, as amended; and
- (o) the reports and recommendation 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 is situated on the edge of an 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, including the Appropriate Assessment Screening report and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, other than for South Dublin Bay and River Tolka Estuary Special Protection Area (Site



Code 004024), North Bull Island Special Protection Area (Site Code 004006) and North Dublin Bay Special Area of Conservation (Site Code 000206) for which Appropriate Assessment is, therefore, required.

Appropriate Assessment

The Board considered the Natura Impact Statement, and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), North Bull Island Special Protection Area (Site Code 004006) and North Dublin Bay Special Area of Conservation (Site Code 000206), in view of the sites' conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using best available scientific knowledge in the field.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

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

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

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all



aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application, including the addendum report;
- (c) the submissions from the first party, the Planning Authority, third parties, and prescribed bodies in the course of the application and appeal; and;
- (d) the Planning Inspector's report;

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the first party, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the first party and submissions made in the course of the planning application and appeal.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- significant direct positive impacts for population and material assets, due to the substantive increase in housing stock during the operational phase;
- direct negative effects arising for human health, air quality, traffic, noise and vibration during the construction phase, which would be mitigated by

a suite of appropriate construction phase management measures, including the control of construction hours, implementation of a construction traffic management plan, noise and dust minimisation measures and monitoring, resulting in no residual impacts on human health, air quality, traffic, noise and vibration;

- direct negative effects arising for water quality and biodiversity during the construction phase, which would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, sensitive timing of works within the river corridor and agreement with the planning authority regarding a construction method statement for the proposed road bridge, resulting in no residual impacts on water and biodiversity;
- direct negative effects arising for water and human health as a result of flooding during the operation phase, which would be mitigated by the design of the road bridge and site drainage accounting for medium and high-risk flood events, resulting in no residual impacts on water and human health;
- direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including monitoring of excavated materials, resulting in no residual impacts on land, soils and geology;
- direct negative effects arising for traffic and transport during the operation phase, which would be mitigated by conditions of a permission restricting phased opening of the proposed link road and the occupancy of the proposed residences and childcare facility until appropriate infrastructures are available, resulting in no residual impacts on traffic and transport;
- direct negative effects arising for undiscovered archaeological remains during the construction phase, which would be mitigated by monitoring

and recording by a suitably qualified archaeologist under an appropriate licence, resulting in no residual impacts for archaeological, architectural and cultural heritage.

- direct effects arising for landscape / townscape during the operation of the proposed development, which would have slight to moderate effects for the appearance of the area, resulting in no residual impacts for landscape and the visual amenities of the area.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable development in this edge-of-urban, residential-zoned location within walking distance of commuter rail services, would provide a high standard of residential amenity for future occupants, would be suitably undertaken and constructed to avoid risks of flooding, would not increase the risk of flooding substantively to other sensitive lands, would feature an appropriate provision of transport infrastructures, and would be compliant with the relevant provisions of the Meath County Development Plan 2021-2027.

The board noted Blocks D, E, F and G were described in the application documentation submitted to the planning authority as being three-storey duplex apartments. The Board requested further information on this aspect of the proposed development under Article 73A(1) (a) of the Planning and Development Regulations 2001, by reference to policies and objectives within



the Meath County Development Plan 2021-2027 and the 'Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities' issued by the Department of Housing, Planning and Local Government in 2024. In response, the developer submitted revised drawings for the dwellings in Blocks D, E, F and G, which comprised two options – House Type G and House Type X, both of which included an increased amount of private amenity space and a reduction in the overall quantum of communal open space available with the development. The Board was satisfied these amended dwellings met the standards required for three-bedroom houses under the 'Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities'. The Board considered House Type-X was the preferred option as this design provides an enhanced amount of private amenity space to the rear of the dwellings, and both front and rear elevations offer a strong urban edge to the development, as required by the planning authority. The Board considered these changes were not material, given there was no change to number of units, density, height or layout of the residential scheme as originally submitted to the planning authority. The Board included Condition 2(b) to reflect these changes.

While the Board agreed with the overall conclusions and recommendations of the Inspector with regard to the proposed development, the Board did not consider that it would be appropriate to attach conditions linking delivery of this residential scheme with other planned developments outside the control of the developer, namely the delivery of the proposed link road connecting the R157 regional road and the Old Navan Road, and the provision of a footpath from the new link road/Old Navan Road junction to the junction with Kennedy Road (Conditions 4 (c) and 4 (d) in the Inspector's report dated the 26th day of September 2024). The Board noted these proposed infrastructural projects are being brought forward as Part 8 Schemes by the planning authority. The Board considered the proposed development of itself, given its residential zoning, proximity to a rail station providing commuter rail services, location

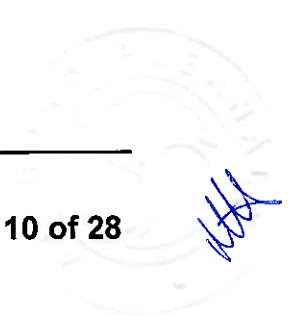


within masterplan area MP 22 which is being designed to support a 'live work' community model where phasing of development has not been set out, with retail and office developments already permitted nearby, would function effectively as a stand-alone development as proposed. In this context, the Board considered the inclusion of conditions linking this development with the infrastructural projects being taken forward by the planning authority was not warranted. The Board concluded that the proposed development, subject to the conditions set out below, 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, as amended by the further plans and particulars received by the planning authority on the 28th day of March 2024, and by An Bord Pleanála on the 25th day of October 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. (a) The development hereby permitted shall contain 267 number of residential units. Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be subdivided or used for any commercial purpose (including short-term letting) without a separate planning permission.
- (b) Blocks D,E,F and G shall comprise House Type X as shown on drawing 'Part Site Layout 2 (Principle Site) – House Type X option' (drawing number DBN-SPX-00-DR-JFA-AR-P1007) and associated detailed floor plan, elevation and section drawings as received by An Bord Pleanála on the 25th day of October 2024.

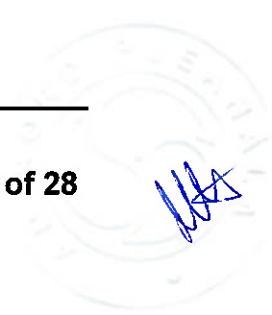
Reason: In the interest of clarity and to ensure an appropriate standard of residential amenity.

3. The mitigation and monitoring measures contained in the Environmental Impact Assessment Report and the Environmental Impact Assessment Addendum Report shall be implemented.

Reason: To protect the environment.

4. The mitigation and monitoring measures contained in the Natura Impact Statement and the Construction Environmental Management Plan shall be implemented.

Reason: To protect the integrity of European Sites.



5. The development shall be carried out on a phased basis, in accordance with a revised phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(a) The first phase of the residential phase of development shall include the proposed childcare facility.

(b) Work on any subsequent phases shall not commence until substantial completion of phase 1, or prior phase, or such time as the written agreement of the planning authority is given to commence the next phase.

Reason: To ensure the timely provision of services and infrastructure for the benefit of the future occupants and residents of the proposed units.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings, including bin and cycle stores, 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.

7. The internal noise levels, when measured at the residential windows of the proposed development, shall not exceed:
- (a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and
 - (b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the residential element of the development. The agreed measures shall be implemented before the proposed residential units are made available for occupation.

Reason: In the interest of residential amenity and to address the site location relative to flight paths associated with Dublin Airport and within noise zone (c) of the Meath County Development Plan 2021-2027.

8. Proposals for an estate/street name, public plaza, house and apartment numbering scheme and any associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. The proposed temporary advertisement/marketing signage relating to the name of the development shall not be erected until the developer has obtained the planning authority's written agreement for the proposed name.

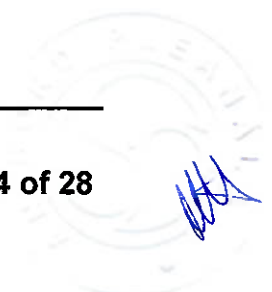
Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

9. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

10. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- (c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.
- (d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the planning authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

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



11. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and 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 planning 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.

12. (a) Prior to the commencement of development, a construction method statement and detailed design of the proposed bridge crossing the Tolka flood plain, shall be submitted to, and agreed in writing with, the planning authority. Detailed designs shall include, but are not limited to, the foundations, supports, deck, approach embankments, width and span, junctions, geometry, gradients, levels, layout, kerbs, drainage, street lighting, footpaths and cycleways. The minimum soffit levels of the proposed bridge shall be as set out in figure A-1 of Appendix A to the Iarnród Éireann Consulting letter reference IE2510/MOF/5996 dated the 20th day of March 2024, with the exception for the soffit level of the most westerly span of the bridge, which shall be a minimum of 70.7 metres above ordnance datum.
- (b) Details of all water and wastewater infrastructure crossing flood zones A and B on the development site, shall be in accordance with Uisce Éireann requirements and shall be submitted to, and

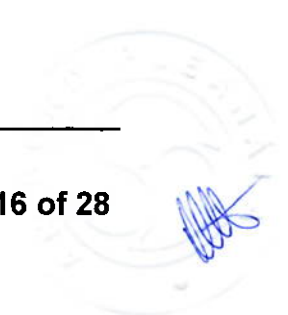
agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interest of orderly development, environmental protection, residential amenity, public health and safety, and to prevent flooding.

13. (a) Prior to the commencement of the proposed development detailed designs for the proposed R157 regional road upgrade and junction works and the proposed link road shall be submitted to and agreed with the planning authority.
- (b) The internal road network, proposed road upgrades and proposed link road serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets.
- (c) All findings of the submitted Stage 1 Road Safety Audit and Quality Audit (Internal Roads) for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

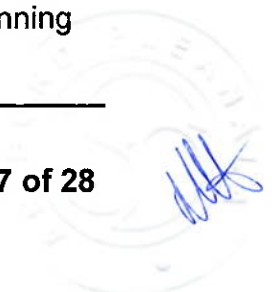
Reason: In the interest of amenity and of traffic and pedestrian safety.



14. 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 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 in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of pedestrian, cyclist and road safety.

15. (a) Prior to the commencement of development, a revised landscaping scheme incorporating layout changes shown on 'Part Site Layout 2 (Principle Site) – House Type X option' (drawing number DBN-SPX-00-DR-JFA-AR-P1007) received by An Bord Pleanála on the 25th day of October 2024, shall be submitted for the written agreement of the planning authority.
- (b) The landscaping scheme shall be carried out on a phased basis within the first planting season following substantial completion of respective phase external construction works.
- (c) All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning



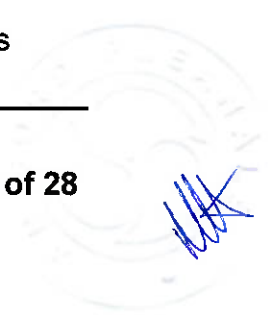
authority. This work shall be completed before any of the residential units are made available for occupation and the areas shall be maintained as communal or public open space by the developer until taken in charge by the local authority or management company.

- (d) A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. This schedule shall cover a period of at least three years for each phase of the development and shall include details of the arrangements for its implementation.
- (e) Prior to commencement of the residential element of the development, details of a public artwork feature, shall be submitted to, and agreed in writing with, the planning authority, and thereafter installed as part of the phased landscaping of the development.

Reason: In the interest of environmental, residential and visual amenity, and to accord with the provisions of the Meath County Development Plan 2021-2027.

16. Prior to commencement of development, all trees, groups of trees, hedging and shrubs that are to be maintained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.

No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees or hedgerows which are to be maintained have been protected by this



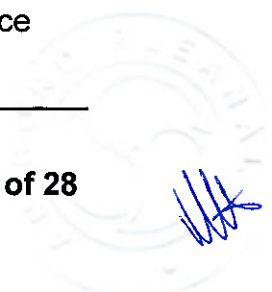
fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires over the root spread of any tree or hedgerow to be maintained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

17. A plan containing details for the management of waste and recycling 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 proposed residential unit and the childcare facility shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste and recycling shall be managed in accordance with the agreed plan.

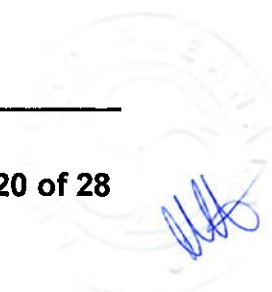
Reason: In the interest of residential amenity, and to ensure the provision of adequate waste and recycling storage.

18. 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) engage the services of a suitably qualified archaeologist to carry out an Archaeological Impact Assessment of the site. The assessment shall include the analysis of the archaeological geophysical surveying and the results of archaeological test excavations across the site (both geophysical-detected features and other locations where impacts may occur). No sub-surface



work should be undertaken in the absence of the archaeologist without their express consent;

- (b) the works associated with the archaeological assessment will be incorporated into the project Construction and Environmental Management Plan, considerate of the final phasing programme;
- (c) the assigned archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches shall be excavated at locations chosen by the assigned archaeologist (licensed only under the National Monuments Acts 1930-2004), having consulted the site drawings;
- (d) the Archaeological Impact Assessment Report shall describe the results of the archaeological testing and the resulting proposed mitigation measures. Furthermore, the Archaeological Impact Assessment Report shall provide a detailed conservation plan for the protection, preservation in situ and presentation of the geophysical detected enclosure and associated features located within the boundaries of the site;
- (e) on completion of the archaeological work (items a to d of this condition), the assigned archaeologist shall submit a written report of the Archaeological Impact Assessment Report to the Planning Authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.



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.

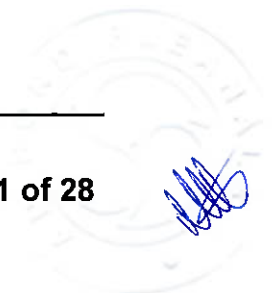
Reason: In order to conserve the archaeological heritage of the site and to secure the recording, preservation and protection of any remains that may exist within the site.

19. 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 on a phased basis prior to the making available for occupation of any unit within the respective phase.

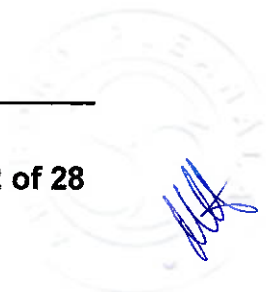
Reason: In the interest of amenity and public safety.

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects', published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.



21. 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) the location of the site and materials compound(s), including areas identified for the storage of construction waste;
 - (b) the location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
 - (c) the details of on-site car parking facilities for site workers during the course of construction;
 - (d) the 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) the 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) the 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) the details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- (k) the 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) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) 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;

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

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and 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 proposals have been submitted and agreed in writing with the planning authority.

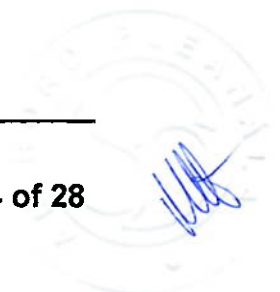
Reason: In order to safeguard the residential amenities of property in the vicinity.

23. The percentage of all car parking spaces to be provided with functioning electric-vehicle charging stations/points will be as set out in the application documents (20% of spaces), 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.

Reason: To future proof the development such as would facilitate the use of electric vehicles.

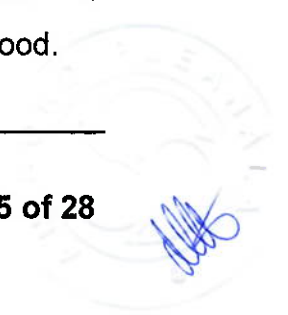
24. All service cables associated with the proposed development, such as electrical, telecommunications and communal television cables shall be located underground. Ducting shall be provided by the developer in accordance with the detailed standards of the planning authority for such works to facilitate the provision of broadband infrastructure within the proposed development

Reason: In the interest of visual and residential amenity.



25. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

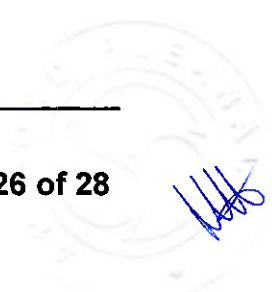


26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

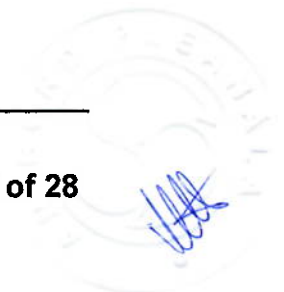
27. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 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.



28. 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.



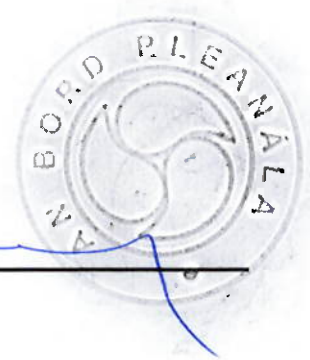
29. The developer shall pay to the planning authority a financial contribution in respect of the Re-opening of the Navan to Dublin Railway Line Phase 1 – Clonsilla to Dunboyne (Pace), in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under 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.



Martina Hennessy

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



Dated this 20th day of November 2024.