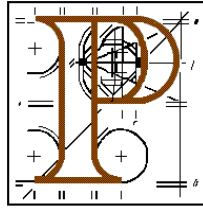


An Bord Pleanála



Inspector's Report

Appeal Reference No. PL29N.245861

Development: Temporary accommodation and parking facility for up to 50 private coaches at former North Wall Freight Depot, Sheriff Street Upper, Dublin 1.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3651/15

Applicant: National Transport Authority

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Spencer Dock management Ltd
RGRE Grafton Ltd

Type of Appeal: 3rd Party

Observers: Price Waterhouse Cooper

Lorenzo Di Pietrantonio

Barry Coughlan

Swann Chmil and Elena Reggiani

Date of Site Inspection: 11/03/2016

Inspector: **L. Dockery**

1.0 SITE LOCATION AND DESCRIPTION

1.1 The subject site, which has a stated area of approximately 14,860 square metres, is located within North Wall Yard, north of Sheriff Street Upper and immediately east of Royal Canal and Docklands Station. Access to the area is available from private access road from New Wapping Street, via an underpass beneath Sheriff Street Upper.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development, as per the submitted public notices, comprises a temporary development at the former North Wall Freight Depot, Sheriff Street Upper, Dublin 1. The proposed development consists of a temporary accommodation and parking facility for up to 50 private coaches in delineated bus bays on existing concrete hardstand within a site of 1.5 hectares. The development will include repairs and minor expansion to the surface of the existing concrete hardstand and provision of single storey portacabin building for security and welfare facility (72m²), together with ancillary lighting, fencing, CCTV, vehicle management controls and signage, bus bay line markings, installation of drainage control infrastructure.

2.2 The facility will only permit access to empty private coaches. The development will operate principally during daytime periods (0700 to 1900, Monday –Friday) to accommodate commuter and tourist caches. However, the development will also occasionally operate during weekend and evening/night time periods for special events (sports, concerts etc).

2.3 It is intended to utilise the former North Wall Freight Depot as a Coach Parking Facility on a temporary basis until the lands are necessary for the construction of DART Underground, for which a Railway Order has been approved.

- 2.4 This application is also subject to a concurrent and inter-related planning application for an entrance and access road from Park Lane to the coach parking facility, which is on lands within the Grand Canal and North Lotts Strategic Development Zone.
- 2.5 Part of the site is located within a Conservation Area. The proposed development site is outside the Grand Canal and North Lotts Strategic Development Zone.
- 2.6 Included with the application are:
- Traffic and Transport Assessment- Parking Site prepared by Jacobs Engineering Ireland Ltd
 - Stage 1- Screening for Appropriate Assessment
 - Drainage Design Report prepared by Jacobs Engineering Ireland Ltd
 - Planning and Development Context Report
- 2.7 The application is made by Iarnrod Eireann on behalf of the National Transport Authority. A letter from CIE Group Property Management states that CIE consents to the inclusion of its lands in the planning application by the NTA for the North Wall Coach Park.

3.0 PLANNING AUTHORITY'S DECISION

Permission GRANTED, subject to 11 conditions.

- 3.1 Condition No. 4 stipulates that this is a temporary permission for 5 years; Condition No. 5 restricts hours of operation; Condition No. 6 restricts areas of coach parking to within delineated bays.

4.0 TECHNICAL REPORTS

Planner's Report

The Planner's Report reflects the decision of the Planning Authority

Environmental Health Officer

Conditions attached

Roads and Traffic Planning

Satisfied that the proposed development can be accommodated in traffic terms on the site. The proposal will remove coaches from parking at on-street locations throughout the city centre.

No objections, subject to conditions

5.0 APPEAL GROUNDS

5.1 The grounds of the third party appeal lodged on behalf of Spencer Dock Management Ltd may be summarised as follows:

- Based primarily on the unsuitability of Park Lane and surrounding area to support volumes of coach traffic
- SDZ designates Park Lane is a 'local street' for local access and not as a 'major street' for all purpose access and large volumes of traffic, whether coach or commercial
- Park Lane was not designed for major volumes of coach traffic
- Railway lands north of Sherrif Street can be considered a suitable location for temporary coach parking but only provided a suitable access can be achieved- Natural location for an access is Sheriff Street, immediately south of the lands- access to the lands from the viaduct via a new ramp is feasible

- Arched openings of viaduct are of restricted width and only wide enough for one vehicle at a time- a main road is required to the coach parking area rather than a local access road
- Use of this roadway or Abercorn Road is neither technically or environmentally appropriate
- Constraints reduces the choice to a single option, that being a new ramp from Sherrif Street
- Proposed entrance and access would seriously impact negatively on the residential amenities of City Blocks 1, 2 and 7 by noise and light spillage up to 2300hr, seven days a week
- Previous refusal on site acknowledged that the proposed intensity of coach traffic to/from temporary coach parking area is not appropriate in a predominantly residential area

5.2 The grounds of the third party appeal, lodged by RGRE Grafton Ltd are as summarised follows:

- Owner of Kilmore House, located to the south of Mayor Street a short distance south of application site- high quality office development with active uses at ground floor
- Concerns regarding significant additional traffic generated by proposed development
- No information submitted to demonstrate that proposal would not have an unacceptable impact on the amenities of existing and future occupants of the area
- Vast majority of site is zoned 'Objective Z1' in Dublin City Development Plan- notwithstanding temporary nature of proposal, it is considered to be entirely contrary to zoning objective- proposal considered to materially contravene operative City Development Plan

- No change to planning policy since previous refusal issued on site
- 'heavy vehicle park' is a land use which appears in zoning matrix of Development Plan- neither permissible in principle nor open for consideration under Z1 zoning objective
- Acknowledges that site may ultimately be required for the purposes of DART Underground project- submits that low quality use of the lands such as a coach park would prejudice the future delivery of appropriate development on the overall lands, in accordance with the zoning objective, in the absence of the delivery of the Dart Underground
- Concerns regarding traffic impacts- considers that the planning authority did not take traffic generated by proposed development into account in making its decision- it is the coach park itself and not the access road which generates the traffic- access road subject to a different application
- Concerns regarding anticipated volumes of traffic
- Additional traffic movements will be directly adjacent to existing and proposed residential and office developments- also generate significant additional traffic on North Wall Quay
- Concerns regarding noise and general disturbance- number of residences in immediate vicinity, together with significant employment base- seriously impact on residential amenities and amenities of office users due to noise, light spillage and general disturbance

6.0 RESPONSES

- 6.1 Two responses were received from the planning authority in which no new issues were raised.

6.2 A response was received from on behalf of Spencer Dock Management Ltd which supports the appeal of RGRE Grafton Ltd

6.3 A response to the appeals was received from the National Transport Authority which may be summarised as follows:

- Separate application for access road granted permission by Dublin City Council- not subject to appeal
- Subject lands owned by CIE and required for future delivery of DART Underground- remains a priority for Government and NTA- maintain lands north of Sherrif Street in railway use to ensure that the coherence of DART underground is not compromised by permanent development
- Issues raised relating to proposed access are not subject of this appeal as access was granted by planning authority and is not open to appeal
- Notwithstanding this an exercise was undertaken following previous refusal (Reg. 2831/14) and Park Lane was deemed to be the optimal arrangement as it meets appropriate technical design standards; most efficient route from time perspective; minimal amount of construction works required and least negative impact on adjoining residential developments
- Option of accessing coach park directly from Sheriff Street Upper via an access ramp was discounted early in process on sustainability grounds as it would involve significant construction works; new opening on bridge would be required; additional travel times and splaying of lighting to adjacent residential complex as caches travel up ramp at night; reduction in number of spaces from ramp and cost couldn't be justified for a temporary facility
- Notes that Blocks 2 and 7 are currently undeveloped
- In addition, Block 2A, 2C, 7A and 7C are located in area of DART Underground reservation and cannot be developed until such time as position and alignment is confirmed

- Entrance to the access road designed in location that is most southerly part of site- bypassing City Block 1, west of Park Lane
- Traffic and Transport Assessment concludes that the addition of up to 100 buses per day travelling to the facility and exiting on return trips will increase volumes on North Wall Quay by 1.6% (2016) and 1%(2021) and the North Wall/Park Lane junction would operate within capacity both at 2016 and 2021
- Environmental assessment indicates that the facility will not result in significant adverse impacts on North Wall Quay or Park Lane in relation to noise and air quality
- Established and authorised land use of North Wall Freight Yard is related to public transport- acknowledged in Planner's Report
- Current land use can be maintained until the lands are necessary for the accommodation of the DART Underground
- Proposal represents a continuance of transport uses
- Decision to grant which issued from planning authority covers limited duration of 5 years in the context of a decision on the programme for the construction of the DART Underground and future use of the lands- therefore first party contends that the proposed development is consistent with the Development Plan
- Contends that RGRE Grafton were inaccurate in their assertion that the planning authority did not take account of the traffic generated by the proposed development- application was accompanied by a Traffic and Transport Assessment Report, prepared by Jacobs Engineering Ireland- this report assesses the impact of the proposed facility on both the public road and in terms of environmental criteria
- Noise and air quality environmental assessment section of that report concludes that based on the thresholds contained in the DMRB and NRA 'Guidelines on Treatment of Noise and Vibration in National Road Schemes', there would not be a significant adverse impact on North Wall Quay or Park Lane in relation to noise or air quality

6.4 A further response to the observations received was received from the NTA on 29/01/2016 which reiterates many of the points made in their original response. Additional points may be summarised as follows:

- Contends that current application has taken on board grounds for refusal of previous application on the lands (Ref. 2831/14)
- In that file, Planner's report indicated that the use of the North Wall Yard as a temporary coach parking facility was deemed acceptable and the rationale for refusal related to access arrangements
- Original access was from New Wapping Street- Block 2D is not within DART Underground reservation and therefore a temporary access road could impede development of Block 2D site- also concerns with regards impacts on residential amenity with this access from New Wapping Street
- Current application amended to relocate proposed access road away from Block 2D of the SDZ- now located on lands within the area of Blocks 2A and 2C of the SDZ, both of which are held in reserve for future delivery of DART Underground
- No permanent structures may be built in this location that would potentially compromise the delivery of the Underground
- Seeking a temporary permission or period of 5 years
- NTA is not identified as a designated Noise Mapping Body or an Action Plan Authority under Article 6 and 7 of the Environmental Noise Regulations S.I. no. 140/2006- the NRA is listed as such- the threshold triggering the obligation to prepare noise maps in the case of roads is set at 6 million vehicles per annum- this threshold is well in excess of anticipated vehicular usage of Park lane
- Environmental Protection Agency Act 1992 and Noise Regulations 1994 (S.I. No. 179 of 1994) are not intended to address neighbourhood type noise issues emanating from roadways

- Condition No. 5 of the planning authority's decision to grant permission stipulates hours of operation in order to safeguard the amenities of adjoining residential properties

7.0 OBSERVATIONS

7.1 An observation was received from PWC, which may be summarised as follows:

- Major employer within the area with headquarters at Spencer Dock- extensive frontage onto Park Lane
- Advised that park lane would be a local access road to Spencer Dock for cars and service traffic only and not a main street or an access to a major heavy vehicles facility on the other side of Sherrif Street
- Unsuitability of Park lane and surrounding area to support heavy volumes of coach traffic
- Proposal makes no recognition of the fact that Park lane is not suitable for major volumes of heavy traffic either coach or commercial- neither technically nor environmentally appropriate
- Would greatly impact on PWC as a principal occupier and employer of approximately 2000 in Spencer Dock- disruption will significantly negatively impact on their ability to carry out our business in the area in an effective and safe manner and greatly diminish the amenity of the surrounding area
- Strongly submits that access should be from Sherrif Street and not from North Wall Quay via Park Lane

7.2 An observation has been received from Lorenzo Di Pietrantonio which may be summarised as follows:

- Increased pollution with consequences on health with no direct benefit to residents from the facility
- Questions 'temporary' nature of the facility

- Strong impact on SDZ, even if located outside of it- concerns regarding buses crossing
- Proposal is not coherent with ambitious plans for the area

7.3 An observation has been received from Barry Coughlan, which may be summarised as follows:

- Concerns regarding noise pollution- impacts on health- concerns regarding noise levels and duration
- Concerns regarding traffic, parking and road safety- roads around Spencer Dock were not designed to accommodate large volumes of coach traffic- concerns regarding accessing parking
- Concerns regarding impacts on property values, in particular those which overlook proposed development
- Proposal belongs on outskirts of city or possibly along M50

7.4 An observation was received from Swann Chmil and Elena Reggiani, which may be summarised as follows:

- Refers to previous refusal –same issues apply
- Temporary site would be present for medium to long term
- Access and volumes will have environmental impacts in terms of health, safety and suitability of area- makes area more dangerous
- Air and noise pollution, together with safety impacts
- Refers to existing noise in vicinity
- Business is built around tourism, and events- clearly don't have weekend restraints- concerns proposed development outside of stipulated hours
- Proposal would be in line with office area, not residential area
- Negative impacts on residential amenity- impact on property values
- Road network not suited to such a use
- Should be strategic initiatives for the area

8.0 PLANNING HISTORY

2831/14

Permission REFUSED for accommodation and parking facility for up to 50 private coaches in delineated bus bays on existing concrete hardstand. Access from New Wapping Street and via an existing private CIE access road. The reason for refusal related to the access being within City Block 2D which is designated to be predominantly residential and which is proximate to residential developments. Proposal was considered to seriously impact on residential amenities of the area due to noise and light spillage by reason of an intensification of the use of the access for coaches and by reason of access at weekends and evenings.

3650/15

Permission GRANTED for concurrent and inter-related application for a temporary entrance and access from Park Lane to North Wall Yard, via an underpass beneath Sherrif Street Upper. These lands are within the Grand canal and North Lotts Strategic Development Zone.

PL29S.NA0005

A Railway Order for DART underground was made by An Bord Pleanala on 15/12/2011. A judicial review of the Board's decision was concluded by the High Court on 25/03/2014, at which time the Order became effective. The subject site is the Eastern Portal for the DART Underground.

9.0 DEVELOPMENT PLAN

The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

Zoning

The site is located within 'Zone 1' the objective for which is "to protect, provide and improve residential amenities".

SI034

To develop lorry parks, bus parks and taxi holding areas in selected areas where deemed necessary and in co-operation with private enterprise, so as to eliminate the hazards of unsuitable lorry, bus and taxi parking in residential and other areas

SI037

To identify suitable and appropriate new locations including off-street in the city centre for the parking of private or tour operated coaches with a view to discontinuing the practice of allowing coaches to park in such places as Mountjoy Square, College Green, Nassau Street, Merrion Square and Wilson Terrace.

Part of the site in the vicinity of the Royal Canal is designated as a Conservation Area in the operative City Development Plan

The subject site is located outside of the Grand Canal and North Lotts Strategic Development Zone, although the proposed access to the site is located therein.

10.0 ASSESSMENT

10.0.1 I have examined all the documentation before me, including the Planner's Report of the Planning Authority, the appeal submissions, observations and responses and have visited the site and its environs.

I consider that the main issues in this case relate to:

1. Principle of proposed development
2. Impacts on amenity of the area
3. Traffic issues
4. Appropriate Assessment

10.1 PRINCIPLE OF PROPOSED DEVELOPMENT

10.1.1 The proposed development comprises a temporary permission for a private coach parking facility, catering for up to 50 coaches in delineated bus bays on an existing concrete hardstand on North Wall Yard, to the north of Sheriff Street Upper, Dublin 1. The subject site is zoned 'Objective Z1' in the operative City Development Plan, which seeks 'to protect, provide and improve residential amenities'. This objective is considered reasonable. The lands included in the application are earmarked as necessary for the construction and operation of the DART Underground and the proposed facility will be used in the interim until the lands are required for such.

10.1.2 I note the planning history pertaining to the site, in particular Reg. Ref. 2831/14, whereby permission was refused for a similar type development. The main difference between the two applications was that in the previous file, access was from New Wapping Street, via an existing private CIE access road. The reason for refusal related to the access being within City Block 2D which is designated to be predominantly residential and which is proximate to residential developments. The proposal was considered to seriously impact on residential amenities of the area due to noise and light spillage by

reason of an intensification of the use of the access for coaches and by reason of access at weekends and evenings. In order to overcome this reason for refusal the access has been altered and in this current proposal, access to the proposed development is from North Wall Quay via Park Lane and a private CIE access road.

10.1.3 I note the submissions received, some of which contend that the proposed development is contrary to the zoning objective for the area and a material contravention of same. They correctly state that within the operative City Development Plan, such a parking facility is neither a 'permissible use' nor a use which is 'open for consideration'. It may be best described as a 'non-conforming', established use within the context of the zoning objective. It is stated within the application submission that railway use within North Wall Yard and the surrounding area dates back from the mid to late 19th century. Having regard to all of the information on the file, it appears to me that the site has historically been used for transport related purposes and it may be argued that this is an established use of the site. It would also appear that the site has not previously, in recent times been used for residential purposes. I also note that this is a temporary permission and that once the finer details of the DART Underground have been finalised, the site has the potential to be used for such residential purposes long-term.

10.1.4 I note Objectives and SI034 SI037 of the operative City Development Plan which aims to identify suitable and appropriate new locations including off-street in the city centre for the parking of private or tour operated coaches with a view to discontinuing the practice of allowing coaches to park in residential and other city areas. I consider that the proposed development will go some way in achieving these objectives.

10.1.5 Having regard to all of the information before me, I consider that in the interim period, the proposed development is acceptable in principle. Having regard to the location of the site and its historical use for

transport related uses, I consider that a grant of permission for the proposed development would not set a precedent for similar type developments on residentially zoned lands.

10.2 IMPACTS ON AMENITY OF THE AREA

10.2.1 Concerns have been expressed within the submissions received with regards impacts on the amenity of the area, in particular relating to noise, light spillage, general disturbance and air pollution. These concerns are considered reasonable. As has been stated above, the proposal, provides for parking for 50 private coaches on existing concrete hardstand in delineated bus bays. The development will also include the provision of a portacabin structure for security and welfare, together with other minor ancillary works. The facility will only permit private empty coaches and the rationale for providing same is to provide an alternative to the existing kerbside on-street city parking which currently exists. At present there is no dedicated facility to accommodate private coaches accessing Dublin city centre for commuter and tourism related trips. It is set out in the accompanying planning report that a demand exists for such a facility in the city centre. It is stated that while the facility will provide for 50 bus bays, it is estimated that the facility could be used by up to 100 coaches per day, generating 200 coach trips (100 inbound and 100 outbound). It is stated that the frequency and times of evening/weekend events for which the proposed facility will require coach parking provision are dictated by events licences issued by Dublin City Council. It is stated that sporting events usually cease at 22.00 while concerts and other events usually occur up until 23.00hrs.

10.2.2 I note that Blocks 2 and 7 referred to in some submissions are currently undeveloped and therefore this is not an issue. As these blocks are located within the reservation for the DART Underground, the blocks will remain undeveloped until such time as details are finalised for same. I note the access road has been relocated away from where was previously proposed under Reg. Ref. 2831/14. The location of the

proposed access road, which has now been permitted by Dublin City Council is such that as it is at the most southerly portion of the site, away from Block 1. I note the proximity of the proposed delineated bays to the nearest residential development and consider the separation distances to be acceptable. This is a built up, inner urban area, located within the dockland area of the city. A degree of noise and pollutants is to be anticipated at such locations. However, it is the degree of such that is of importance and any such development needs to comply with the zoning objective which seeks to protect residential amenities. I note the report of the Environmental Health Officer's Department of the planning authority which has no objections to the proposed development. Having regard to all of the information before me, I consider that the impacts on the residential amenity of the area would not be so great as to warrant a refusal of permission. I note that the decision which issued from the planning authority contained a condition stipulating that the proposed facility not be used between the hours of midnight and 7.00am, in order to safeguard the amenities of adjoining residential occupiers. I consider that this condition is reasonable and if the Bord is disposed a grant of permission, that a similarly worded condition be attached to any such grant. I have no information before me to believe that if the proposed development is permitted, it would lead to devaluation of property values in the vicinity.

10.3 TRAFFIC IMPACTS

10.3.1 It is noted that issues of the proposed access road and arrangements have been dealt with under a separate application, Reg. Ref. 3650/15. Permission was granted by the City Council for a temporary entrance and access from Park Lane to North Wall Yard, via an underpass beneath Sherrif Street Upper. These lands are within the Grand Canal and North Lotts Strategic Development Zone and therefore there is no right of appeal to An Bord Pleanala. Consideration of that application

and the proposed development contained therein are outside the scope of this current appeal.

10.3.2I note however that a Traffic and Transport Assessment, prepared by Jacobs Engineering Ireland Ltd was submitted with this current application, which is a detailed assessment of the site only. Analysis of the access arrangements is considered in a separate application and separate TTA (Reg. Ref. 3650.15). This report concludes that the proposed facility will remove coaches from parking on-street at locations throughout the city centre while having minimal impact on the road network adjacent to the proposed facility. Considering the scale of the proposed development, and based on the information before me, I consider that the road network would appear to have capacity to accommodate a development of the scale and nature proposed. However as stated above, the Board is advised to note that the access and entrance arrangements are outside the remit of this appeal

10.4 **APPROPRIATE ASSESSMENT**

10.4.1 A Stage 1- Screening for Appropriate Assessment has been submitted with the application. It concludes that there will be no significant effects on Natura 2000 sites and therefore a Stage 2 Appropriate Assessment is not required.

10.4.2 The site is located within the Dublin Docklands, north of Sheriff Street Upper and east of the Royal Canal. North Wall Yard was utilised as a freight yard up until the early 2000s. The lands surrounding the site are heavily urbanised. The site is located in close proximity to the Royal Canal pNHA (Ref. 002103) and it is noted that the Royal Canal is not designated as a Natura 2000 site. The nearest Natura 2000 sites are North Dublin Bay SAC (Code 000206) and South Dublin Bay SAC (Code 000210). In addition, the nearest Special Protection Areas are North Bull Island SPA (Code 004006) and South Dublin Bay and River Tolka Estuary SPA (Code 00402).

10.4.3 There will be no indirect or uncontrolled discharges from the development site to the Royal Canal. Given the lower topographic level of the site relative to the canal, gravity drainage is not possible.

10.4.4 It is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site in view of the site's conservation objectives and an appropriate assessment is not therefore required on a European site.

11.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 In light of the above assessment, I recommend that the decision of the planning authority be UPHeld and that permission be GRANTED for the said works, based on the reasons and considerations under.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not lead to the depreciation of property values and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and 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. This planning permission is granted for a temporary period of five years from the date of final Order. After this time, the use hereby approved shall cease and all development associated with this permission shall be removed from the site and it returned to its former state, unless of further permission has been granted before the expiry of that date

REASON: In order to review the effect of the development on the area and in the interests of the proper planning and sustainable development of the area

3. No coaches shall enter the proposed facility between the hours of midnight and 07.00

REASON: In order to protect the residential amenities of adjoining properties

4. The parking of coaches shall be solely limited to the delineated parking bays shown on the submitted drawings

REASON: In the interests of orderly development

5. Water supply and drainage arrangements, including the 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 to ensure a proper standard of development.

6. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

REASON: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

8. The developer shall comply with all requirements of the planning authority in relation to roads, access and parking issues

REASON: In the interests of proper planning and sustainable development

9. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

REASON: To protect the amenities of property in the vicinity of the site.

10. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000 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.

11. The developer shall pay to the planning authority a financial contribution in respect of the Luas Line C1 Scheme 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000 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.

L. Dockery

Planning Inspector

15th March 2016