



An  
Bord  
Pleanála

## Inspector's Report ABP-302795-18

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<b>Development</b>	Construction of a motor sales showroom and service garage building (1596 m2 gross floor area) with accommodation at a single level with a maximum height of 7.3 meters.
<b>Location</b>	Sligo Retail Park, Carraroe, Co. Sligo
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	18245
<b>Applicant(s)</b>	ICAV, Dublin Targeted Investment Opportunitites
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Carraroe Residents Association.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> January 2019
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. The site is part of a large fenced off parcel of land at the three-armed roundabout junction of Pearse Road (R287) and the access road to Sligo Retail Park about 3km south of Sligo Town Centre. The retail park contains a number of large stores such as Smyths, Homebase and Currys among others. There is housing to the east sharing the access route off the R287. The site, as part of the holding, fronts roads on three sides with the fourth side of the holding as outlined in blue being adjoined by open fields used for grazing. This is similar to the land on the opposite side of the R287 through which the N4 runs.
- 1.2. There is a gradual incline from naturally higher ground to the east down to the lower ground at the west. The site is fairly level with an earthen mound substantially surrounding the larger holding. It appears to have been levelled and incorporates a retaining wall along the eastern side where an access road adjoins. Levels are about 55-56mOD along the east and drop to about 52-50mOD along the western side inside the mound before rising and dropping to 52m at the roundabout and to about 47m near the adjoining landowner to the south. There is a steep drop along the western frontage to the road.
- 1.3. The site is fenced off along the R287 up to a gateway which is within the holding but not the development site. The gateway is fenced off and a stone wall marks the boundary of the holding along the R287
- 1.4. The retail park has been finished to high stand in terms of landscape finishes and pedestrian facilities.

## 2.0 Proposed Development

- 2.1. The proposed development relates to a motor sales outlet and service garage in premises totalling 1596 sq.m. (7.3m high). The main elements include:

### Phase 2

- Car sales showroom 567 sq.m. Aftersales 696 sq.m. Staff accommodation with Valet area, Photo booth and Tyre fitting in a small shed like structure of 267 sq.m.

to the south of the site and car parking for customer and display/storage car park spaces (170)

#### Phase 1

- Temporary motor sales site to east of site with small reception/office of 66 sq.m. and 5 customer car park space and 51 display storage car park spaces with associated signage and landscaping.

#### Overall site

- Signage
- Hard and soft landscaping new boundary treatment and associated site works.
- Access from new service road link at north end of site.
- associated site works.
- Drawings (stamped 28/6) indicate watermains and foul drainage connections.
- Surface water management measure show collection of roof run-off from main building to an infiltration trench designed for 1/30 year flood event and located south of site in land holding outlined in blue.- no details of discharge from car wash bay.

#### Attachments:

- Landowner statement of ownership and consent
- Solicitor's letter confirming status of property ownership

#### 2.2. Further information was lodged in the form of:

- Drawing 18141-002A illustrates extent of permeable asphalt
- Waste management area beside valet /booth building.
- Waste management Process details operated by company. (Letter from C.Quinn)
- Drainage matters as set out in further detail and appended with
- Surface Water Calculations
- Extract from Site Investigation Report
- Roadstone Porous Asphalt details
- OPW Flood Risk Report
- Graf Carat S Underground Tank Specification
- Foul Water Calculations

- Letter of consent to connect to existing foul network.
- Drainage: storage collection: The extreme rainfall matrix table for Sligo has been used to obtain rainfall profile for calculation of storage requirements. As required by the GDSDS all rainfall values have been increased by 20% to include for climate change characteristics.
- Signage is in 8 locations and includes building signage and
- 2 sets of 4 flags over 8m high freestanding along the western/north perimeter.
- 4 freestanding pylons at 4.42m high.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Grant permission subject to 9 conditions

#### 3.2. Planning Authority Reports

3.2.1. Planning Reports: Following initial appraisal and technical reports the planning authority sought further information in respect of details on:

- surface water drainage proposals for the disposal of surface water run-off from impermeable hard surface areas within the site and the extent of area served by permeable paving on site. Proposals to take account of 1 in 100 year storm water return period and sustainable urban drainage systems.
- Matters raised by environmental services
- Paving of permanent and temporary development
- Intentions with respect to remainder of landholding and site delineation
- Location and potential proliferation of totem signage and details of temporary structure.
- Parking breakdown – such as staff parking provision.
- Landscaping along western and northern perimeter.

3.2.2. The proposed use is acceptable in principle. In this regard it is noted that the use is open for consideration on the lands as they are zoned 'Retail Park'. While there is a stated capacity of 4975 sq.m. of retail warehousing floorspace in the recently

adopted plan and 2042sq.m. was recently permitted in Sligo Retail Park it is considered the future demand for retail warehousing is unlikely at this location.

- 3.2.3. It is noted that the site has been undeveloped for a number of years and is unsightly and development is to be welcomed. The development by virtue of compassion, layout, siting and materials and overall relationship with existing development would improve visual amenities.
- 3.2.4. Residential amenity is not considered to be an issue in view of separation distance.
- 3.2.5. Traffic safety is not considered an issue in view of existing road layout, design and capacity.
- 3.2.6. The site is adequately serviced in terms of water supply and foul drainage.
- 3.2.7. It is noted that there is no observation from Irish Water and it is assumed there is no objection in this regard.
- 3.2.8. With respect to flooding issues it stated that there is no significant evidence of flooding on the site or adjoining lands according to CFRAM information. It is considered that perhaps the concerns reflate to properties further south where there have been severe flooding events (as illustrated in aerial photography for December 2015) and that the proposed development may exacerbate the situation – though the objection is stated not to be clear. It is also acknowledged that there has also been flooding further south and northwest of Carroroe Roundabout.
- 3.2.9. It is acknowledged that there is speculation regarding various contributing factor and a complicated question given the hydrogeological and underlying drainage in the wider area. No comprehensive solution has been formally adopted by the local authority. In addition to the further detail submitted by the applicant in respect of surface water collection and disposal it is considered detailed aspects can be dealt with by condition and subject to written agreement.
- 3.2.10. It is accepted that further development will be subject to future planning applications.
- 3.2.11. Car parking is satisfactory based on nature of use and the exclusive use of 18 spaces for customers.
- 3.2.12. The temporary aspect the development has been satisfactorily addressed.
- 3.2.13. The proposal is not considered to have an adverse impact on Natrua 2000 sites.

### 3.2.14. Other Technical Reports

- **Road Design Report (31/7/2018):** Approval recommended
- **Environmental service:( 26/7/2018)** Further information required relating to:
  - Surface water drainage proposal in terms of proposal for the disposal of surface water run-off from impermeable hard surface areas within the site and the extent of the area that will be served by permeable paving.
  - Detail of Class 1 type oil interceptors to serve SW drainage. Site specific manufacturer specification shall be submitted along with associated design calculations. The oil interceptors shall be of sufficient capacity to adequately treat surface water run-off from the site. All proposals and surface water drainage from roads and proposed impermeable hard surface area shall be detailed on a site layout map.
  - Manufacturer's specification for proposed rain harvesting system. In cases where a mains water top-up is attached to the tank it shall be necessary to install suitable back-flow protection. The back-flow protection shall have a category 5 protection such as an AA type air gap conforming to IS EN 13076
  - Calcification if effluent will be discharged to a private wastewater pumping station prior to discharge to the Irish Water Sewerage Network. In terms of domestic wastewater disposal to the sewerage system in proximity, the applicant is requested to clarify the maximum hydraulic loadings that will be generated at the commercial enterprise. (comprising domestic and trade effluent etc from car washing activities.). the applicant shall submit certification from a competent technical professional with professional indemnity insurance that any private wastewater pumping station required for effluent disposal has sufficient capacity to accommodate the additional loadings associated with the development.
  - A waste management plan for the operational phase of the development relating to the collection, segregation and recycling, storage, management and disposal of all waste materials that will be generated on site. All proposal detailed on a site layout map.
  - Site specific construction management plan and associated environmental management plan relating to the construction phase. The plan shall provide

details of working hours, measures to keep public road clean, waste disposal/soil hazardous waste management/disposal

- Clarification of fuel oil storage if any on site. All proposals for bunding of fuel storage tanks on a site layout plan.

**Environmental services: 14/9/2018** No objection subject to conditions.

**Area Engineer's report: 8/82018**

- The applicant's proposal for addressing storm water disposal is not satisfactory. The applicant is requested to submit a revised detailed design for storm water disposal taking account of a 1/100 year return period and incorporating a sustainable urban drainage system.

**Area Engineer's Report 21/9/2018:** Condition recommended: the existing entrance including footway and pedestrian crossing shall be completed with current standards as part of this development. Furthermore, the following standard road condition should be added -2, 6, 7 and 8. These are not specified but on the sheet attached to the area engineer's previous report they appear to relate to: gradient of access road, provision such that no surface water on adjoining public road, interception and disposal of surface water that may flow off the public road onto the site and no obstruction of existing road drainage system.

It is understood water services are reviewing the surface water proposals submitted and will be commencing on same.

**3.3. Prescribed Bodies**

**3.4. Third Party Observations**

Objection regarding drainage having regard to extensive hard surface and on-going surface water flooding in the Carraroe area. Many houses have been flooded and without surface water mains this risk can only increase.

**4.0 Planning History**

Planning applications are listed on planning application validation checklist.

Planning authority references 00/904, 03/314 and 04/383 refer to permissions for existing retail warehousing.

Planning authority reference 03/847 refers to permission for signage (25.5 sq.m.) on the eastern side of the Dublin Road

An Bord Pleanála ref 227662/Planning authority reference 07/1144 refers to refusal of permission for licensed discount food store, 270 no. car parking spaces, covered dock leveller and all associated site works at Sligo Retail Park, Dublin Road, Carrowroe. Co. Sligo. There is no issue in relation to surface water raised in this case.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The current Sligo County Development Plan 2017-2023 was adopted in July 2017. The site is zoned retail park where motor sales outlet is open for consideration.

### **5.2. Natural Heritage Designations**

The nearest sites within a 5km radius from the site are:

Lough Gill SAC Site Code 001976

Ballysadare Bay SPA Site Code 004129

Ballysadare Bay SAC Site Code 000622

Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC Site Code 000627

Unshin River SAC Site Code 001898

Union Wood SAC Site Code 000638

Cummeen Strand SPA Site Code 004035

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- There is an ongoing problem with surface water flooding in the Carraroe area.



- The proposed development with an extensive paved area will only add to the problem.
- In respect of the flood risk assessment submitted by the applicant in further information in which it was found that the site is not at any significant risk of flooding and that there have been no previous flooding recorded in the immediate area it is pointed out that Appendix IV of that submission shows that extensive and multiple flood events have occurred adjacent to the site and in the immediate area in recent time 2009.
- In recent years many residents of Carraroe have had their houses flooded and are without surface water drainage. It is submitted that the risk of flooding can only be increased if surface water run-off is discharged to the aquifer which will impact houses at a lower level than the site.

## **6.2. Applicant Response**

- 6.2.1. In a letter received on 14<sup>th</sup> November 2018 the applicant has responded to the appeal through Taylordesign Architects and with a detailed design response to conditions regarding surface water management as prepared by consulting engineers DFK and who, it is stated in the cover letter, advise that the proposed development will have no impact on flooding in the Carraroe area. This is further to the architect's statement in a letter of 15<sup>th</sup> October 2018.
- 6.2.2. The engineering response includes drawings of the proposed surface water network in the site. (Drawing 18141-002C and typical details are included in additional drawings.)

## **6.3. Planning Authority Response**

- 6.3.1. In a letter received on 5<sup>th</sup> December 2018 it is stated that the applicant's submission regarding compliance with conditions of PL18/245 is noted. However, given that the decision is under appeal it is considered that conditions do not have effect. The planning authority awaits the decision of An Bord Pleanala in this regard and will deal with any matter of compliance of conditions in the event of a grant of permission.

## 6.4. Further Responses

- 6.4.1. The agent for the appellants notes that the attenuation system relies on the stone media below the porous asphalt to act as storage for all surface water run-off and for the run-off from the internal road network as is states that 'as the soakage from the stone media is not restricted then we fail to see how this acts as an attenuation system.'
- 6.4.2. The soakaway system proposed is presumed to concentrate the discharge to the groundwater to a minimal area and this area includes preferential flow paths to the aquifer which, it is anticipated, will affect the residents to the south

## 7.0 EIAR screening

- 7.1. Having regard to the nature and scale of the proposed development and the location of the site in an urban development area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 8.0 Assessment

### 8.1. Issues

- 8.1.1. This appeal relates to the development of a large site in a retail park on the southern urban fringe of Sligo town environs. The issues centre on drainage and impact of such on the surrounding lands. As the development relates to part of a retail park and effectively within a development envelope where motor sales outlets are open for consideration and having regard to the comments of the planning authority with regard to strategic compatibility of use and also to the scope of the appeal which relates to engineering and design issues I do not consider there to be an issue with the principle of the proposed use at this location.

### 8.2. Drainage

- 8.2.1. The appellant is concerned about the run-off from the site and ability to contain storm water having regard to the sloped terrain and relative height of the site with the land to the south which is down gradient and where there is a history of flooding. There is

also reference to the impact on the aquifer but this is not identified relative to the site. Nor does the appellant provide specific locations but refers instead to houses generally to the south where there is no drainage network.

- 8.2.2. The proposal, which has been designed by chartered consulting civil and structural engineers with reference to GSDS and the GDRC in conjunction with other building standards, seeks to dispose of surface water by infiltration to ground water within the site through a range of measures based on the principles of sustainable urban drainage.
- 8.2.3. The objective of sustainable drainage systems, I understand, is to mimic as closely as possible the natural drainage of the site in order to reduce the impact of the development on flooding or pollution. While the proposal in this case describes measures for drainage management, collection and infiltration of surface water within the site, the submitted details do not provide information on the receiving hydrological environment or on the likely wider impacts. Nor is there reference to potential risks or impacts on the aquifer. The applicant proposes measures to comply with the requirements of the planning authority in the response submission to the appeal, but the matters raised by the appellant are not directly addressed.
- 8.2.4. I note in its appraisal, the planning authority refers to the non-specific nature of the objections and acknowledges a wider issue of flooding but does not attribute the matter to the site. A site specific drainage impact assessment would for example factor in the impact of the proposed development on the catchment. However, having regard to the size of the site and buffer area in a semi-rural location, a detailed DIA would I consider be an extreme precautionary approach in assessing the proposed development.
- 8.2.5. While there is no evidence that the subject site would directly contribute to flooding issues in Carraroe, it is I accept nonetheless important to demonstrate that surface water will be adequately collected and disposed of on-site. In this regard the detailed requirements of the engineering division and area engineer are addressed and by taking account of the required further information, permission was deemed appropriate subject to further agreement regarding drainage.
- 8.2.6. The planning authority has no substantive issue with the principle of development and nature of drainage proposals. The outstanding issues of surface drainage are

addressed by condition. Condition 3 specifically provides for measures to restrict flow onto the public road, interception of flow from the public road, avoiding obstruction existing road drainage and provision of SUDs on site designed to accommodate 1 in a 100-year storm.

8.2.7. In response to the grounds of appeal the applicant engaged consulting engineers and it is explained in detail how the requirements of this condition can be met.

- In respect of potential to discharge to the public road it is explained that measures by way of levels and gradients, kerbing, use of soakaways and attenuation tanks and permeable surfaces such as porous asphalt on 55% of the site surface will ensure no surface water is diverted or allowed flow onto the adjoining public road.
- It is explained that the existing estate entrance road passing the proposed site entrance has a gully which is positioned east side of the entrance which it is stated will catch flow from the public roadway and prevent same entering the site. Furthermore in the case of surface water by-passing and entering the site gullies are positioned to along proposed access route to catch same as indicated in drawing 18141-002C.
- It is further stated that the existing road drainage will not be disrupted or obstructed by the development and all surface water will be dealt with on site.

8.2.8. The applicant sets out a detailed description of the SUDs measures to be installed on site. It is stated that due to the favourable infiltration rates on site the SUDS mechanisms will allow surface water run-off generated onsite to infiltrate back into the ground which is in keeping with the existing system in Sligo Retail Park. It is projected that the porous sub surface will provide a storage volume of 549m<sup>3</sup> which is much greater than the 196m<sup>3</sup> and in an effort to alleviate concerns discharge from the storage system will be controlled at 2l/second which will reduce the volume of water infiltrating back into the ground at any one time and such that it is less than the greenfield run-off rate. All SUDs measures are designed to accommodate a 1/100-year storm water return period.

8.2.9. I note in particular that the total storm water storage proposed can well exceed the volume required for a 1 in 100-year event. It is 50% greater than what is needed.

- 8.2.10. An assessment of the feasibility of the conditions and perhaps a deficiency of information in light of the objection would be helpful however the planning authority does not consider it appropriate to assess the conditions prior to a decision by the Board.
- 8.2.11. While I note an acknowledgment in the planning authority's assessment that there is a wider issue for which the council has no solution, in my judgement, given the extent of storage capacity and controlled discharge rates to less than the greenfield run-off rates, it is however difficult to see how there will be any significant changes to the underlying hydrological regime.
- 8.2.12. Additional measures to replicate site drainage could I suggest also include more detailed soft landscaping and more extreme measures such as the incorporation of green roofs. (The Board would need to invite a revised design if this measure is required.) Other details relate to the management of car washing which will bring water into the site from the water mains. There are no details of consumption or drainage of car wash water- although the Environmental services division require discharge of grey-water to the foul network. As a precautionary approach this water could be restricted to being solely sourced from rainwater harvesting supplies. Use could also be restricted to trade cars and not for use by public.
- 8.2.13. Other precautionary measures should incorporate a drainage management scheme subject to the agreement of the planning authority and lodgement of a security bond. This is important in view of the likelihood of site splitting and multiple ownership – I refer to the applicant's statement of further intentions for additional land in the agent's cover letter responding to the further information request. (Letter received 7/9/2018 from Taylordesign Architects Ltd.)
- 8.2.14. In terms of water quality, I note it is not proposed to provide an oil interceptor as there is no single point of discharge of surface water. I note however that the water is to be collected from the road surfaces in the rain water harvesting tank which in turn feeds into the foul sewer and offers the potential to filter silt and hydrocarbons. This should be subject to the detailed requirements of the planning authority. In addition, The temporary element of the site (as proposed by the applicant and addressed by condition) will facilitate a review of the operation particularly in relation to drainage.

8.2.15. On balance I consider the proposed development acceptable in terms of drainage having regard to the greenfield nature of the site and semi-rural setting together with the drainage measures aimed at

- replicating or reducing the greenfield response of the site over an extended range of storm probabilities (return periods) for stormwater runoff
- managing runoff on site for extreme events and
- reducing pollution in receiving waters

8.2.16. It is, I consider, reasonable to conclude that the proposed drainage management and discharge which incorporates a SUDs approach will regulate the run-off rate and improve the quality of surface water runoff from development subject to conditions of permission – the most important being that - the development should satisfy the planning authority by reference to site levels and site layout that all surface water is directed as proposed to soakaways rather than flow across the site and should not be permitted to escape from the site or discharged to adjacent lands. In such circumstances it is unlikely that runoff could be a nuisance, cause deterioration in the quality of a watercourse, overload existing drainage or cause flooding to areas downstream.

### 8.3. Other Matters

8.3.1. In view of the extensive banner and totem signage proposed and the prominent and semi-rural context I consider it appropriate to regulate the signage by restricting additional signage external to the premises. In a similar context roof plant and attachments should be subject to further development control.

## 9.0 **Appropriate Assessment**

9.1. Having regard to the nature and scale of the proposed development, the distance to the nearest European site, and the absence of any watercourses directly linking the site to any such site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.0 Recommendation

10.1. I recommend a grant of permission based on the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the site location in a development area and the proposals for on-site attenuation and sustainable urban drainage it is considered that subject to conditions the proposed development is unlikely to give rise to flooding and would be otherwise acceptable in terms of traffic safety and amenity and would therefore be consistent with the proper planning and sustainable development of the area.

## 12.0 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 submitted on 7<sup>th</sup> September 2018 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The Valet operation shall only be used for trade cars and shall operate within the capacity of the rain water harvesting tank. It shall not operate or be advertised as an independent service for any public/customer use.

**Reason:** To limit intake of water into site and control run off.

3. The use of site as used-car sales area and as delineated as phase 1 development in the submitted drawings shall cease 2 years from the date of this permission and details shall be submitted for the removal or modifications of structures and landscaping of site for the written

agreement of the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

4. Water supply and drainage arrangements, including surface water attenuation and disposal, shall accord with the requirements of the planning authority for such services and works. The developer shall satisfy the planning authority by reference to levels and site layout that all surface water is directed as proposed to soakaways rather than flow across the site and shall not be permitted to escape from the site or discharged to adjacent lands. In this regard the following shall apply:
  - (a) Proper provision shall be made to ensure that no surface water is diverted or allowed to flow on the adjoining public road.
  - (b) Provision shall be made for the interception and disposal of surface water that may flow off the public road onto the site as a result of this development.
  - (c) The existing road drainage system shall not be obstructed by the development.
  - (d) A Sustainable Urban Drainage System (SUDS) shall be installed on site and shall be designed to accommodate a 1 in 100 years storm water return period.

Precise details of the proposed system including a monitoring regime shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interest of sustainable drainage, public health and road safety.

5. Save as required by condition 4, the gradient of the access road shall not exceed 1:10 for a minimum distance of 10 metres from its junction with the public road.

**Reason:** To ensure a proper standard of development.

6. 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 roads, parking areas and surface and foul water drainage systems (including silt disposal) 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 orderly development.

7. No additional development shall take place above roof parapet levels such as air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

8. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the 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.

9. Comprehensive details of the proposed lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

**Reason:** In the interest of public safety and visual amenity.

10. 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 noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

11. 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 on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006.

**Reason:** In the interest of sustainable waste management.

12. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays, nor at any time when there are significant examinations in operation in the nearby school. A detailed works schedule shall be submitted to, and agreed in writing with, the planning authority in this regard. 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.

13. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - a) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
  - b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

c) A timescale for implementation including details of phasing.

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 5 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 interests of residential and visual amenity.

14. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the 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.

15. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity, and in order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area, and on the setting of protected structures, through the statutory planning process.

16. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, painting, the use of chemicals and

other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats, catch trays, bunded areas and oil interceptors. A scheme providing for these measures shall be submitted to and agreed with the planning authority prior to commencement of development.

**Reason:** In order to protect groundwater and surface water.

17. 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 sustainable urban drainage systems including site levels, landscaping and surfacing and other ancillary works and services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

18. 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.

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Suzanne Kehely

Senior Planning Inspector

25<sup>th</sup> February 2019