



An  
Bord  
Pleanála

## Inspector's Report ABP-304658-19.

<b>Development</b>	Construction of 1 no. 3 and 4 storey office building, road infrastructure and site services, minor amendments to previously approved ref 99/2073 and all associated site and infrastructural works.
<b>Location</b>	Maynooth Business Park, Maynooth, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council.
<b>Planning Authority Reg. Ref.</b>	18/1382.
<b>Applicant(s)</b>	Jomaijo Trading Ltd
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third party against permission.
<b>Appellant(s)</b>	TMT Digital Ltd. (T/A Digital Office Centres Ltd.)
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	19/08/2019.
<b>Inspector</b>	A. Considine.

## **1.0 Site Location and Description**

- 1.1. The site the subject of this appeal is located within the Maynooth Business Campus on the southern outskirts of Maynooth, Co. Kildare. The Campus lies to the south east of M4 junction 7 approximately 2 km south of Maynooth town centre and the L5054 Ballygoran Local Road runs along the southern boundary. The sole access to the Business Campus is located off the existing five arm roundabout on the Straffan Road / M4 Westbound off ramp. The Campus has approximately 100 businesses operating with in excess of 1,600 employees. The campus is laid out in a number of blocks all of which provide for carparking.
- 1.2. The site the subject of this appeal has a stated area of 0.730ha and lies between existing Blocks A – C and block F. The site essentially comprises an infill site within the Business Campus and under the parent permission for the overall site, permission existed for the construction of two office blocks on the subject site, Blocks D and E. The site, the subject of this appeal, has been levelled and has a hard surface comprising stone and is currently fenced off along the north and eastern boundaries. The southern and western boundaries are open to the adjacent office blocks and associated car parking. The internal Campus road runs along the eastern and southern boundaries of the site with the area to the immediate north of the site comprising car parking.

## **2.0 Proposed Development**

- 2.1. Permission is sought, as per the public notice, for the construction of 1 no. 3 and 4 storey office building consisting of 2 no. blocks with a central glazed atrium area and a screened plant area, solar panels and equipment at roof level, providing a total GFA of 12,641m<sup>2</sup>. The proposed road infrastructure, and site services as per the previously approved ref. ref 99/2073. Minor amendments to reg. ref. 99/2073 to include rearrangement of previously approved parking, the addition of 12 no. total car parking spaces, 200 no. cycles parking spaces, landscaping consisting of new tree planting, and grass planting, public lighting, and footpaths, ESB substation and switch room, and all associated site and infrastructural works, all at the M4 Motorway to the north, Ballygoran Road to the South, Maynooth Business Campus to the West & East, off R406 Straffan Road, Maynooth, Co. Kildare.

2.2. The development was revised following the submission of significant further information as follows:

Provision of a basement level car park (131 no spaces), access ramp and consequent revisions to the ground floor layout, site layout plans and minor amendments to the rear elevation.

2.3. The planning application included a number of documents including as follows;

- Plans and particulars
- Planning Report
- Flood Risk Assessment
- AA Screening Report
- Traffic Report & Mobility Management Plan
- Construction Management Plan
- Construction Stage Waste Management Plan
- Outdoor Lighting Report
- Drainage Design Report

2.4. Following the submission of the response to the further information request the following additional documents were submitted:

- A letter from the Maynooth Business Campus Owners Management Company advising that full permission for the second entrance has been granted and it is anticipated that the works will commence as soon as possible. It is submitted that the works will take no more than 6 weeks and that the works will be completed no later than the end of May 2019<sup>1</sup>.
- In relation to car parking, the applicant submitted a revised site layout plan identifying the parking allocation for each block, A-C and D-E. It is submitted that the parking provision accords with the permission granted under PA ref 99/2073, and that the proposed development accords with the provisions of the current County Development Plan. It is also submitted that the applicant

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<sup>1</sup> The Board will note that on the date of my inspection (September 2019), no works had commenced on the second entrance to the Business Campus.

would not be opposed to including a basement car park which could be dealt with by way of clarification of further information if requested by the Council. It is also noted that the repairs to the existing underground carpark have been completed or are nearing completion and will be available to Block B and C, freeing up the 200 surface spaces allocated to Block D-E.

- The applicant also submitted a response to the third-party submissions.

2.5. Following the request for Clarification of Further Information, the applicant submitted proposals for the provision of a basement car park. The inclusion of the basement car park resulted in minor amendments to the office floor area resulting in the gross floor area of the development being 12,553m<sup>2</sup>.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission for the proposed development subject to 23 conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The initial planning noted that the principle of the development is acceptable but raised concerns in relation to the car parking as well as the issues raised by the Transportation Section of the Council in relation to the delivery of the second vehicular access permitted for the Business Campus. Further information was requested on these issues. The report also includes AA.

Following the submission of a response to the further information request, the Planning Authority remained concerned with regard to the car parking arrangements associated with the proposed development. The applicant was requested to revise the proposed development to include dedicated car parking at basement level.

Following the submission of a response to the clarification of further information request, final planning report formed the basis of the decision of the Planning

Authority to grant permission for the proposed office development, subject to conditions.

3.2.2. Other Technical Reports:

Reports were submitted from the following internal departments of Kildare County Council:

**Environment Section:** No objection subject to conditions

Following the submission of FI and CFI, no further comments noted.

**National Road Design Office:** Further information requested in relation to the setback from the motorway, traffic modelling analysis on the existing at-grade roundabout with the analysis to determine the potential impact of the development on the roundabout and adjoining road network.

Following the submission of the response to the FI and CFI requests, the NRDO advises no further comments.

**Chief Fire Officer:** No objection subject to conditions

Following the submission of the response to the FI and CFI requests, the CFO advises no objection subject to conditions.

**Area Office:** No objection subject to conditions

Following the submission of FI and CFI, the AO noted that the public notices were in place. No objections.

**Water Services:** No objection subject to conditions

**Transportation Department:** Further information required in relation to a shortfall in car parking proposed and clarification on the timing and delivery of the second gated vehicular entrance onto the L5054 Ballygoran Road from the business park. It is submitted that the proposed development may be considered premature pending the delivery of the second gated vehicular access.

Following the submission of the response to the FI and CFI requests, the TD advises no objection subject to conditions.

3.2.3. Prescribed Bodies:

**Irish Water:** No objection

**3.3. Third Party Observations**

3.3.1. There are 3 submissions noted on the Planning Authority file in relation to the proposed development. The issues raised are summarised as follows:

- Maynooth Business Campus Owners Management Company

The Management Company support the proposed development but request that the Council require the applicant to consider the inclusion of an underground car park as there is significant pressure on car parking in the Campus at present.

- Bird Watch Ireland

It is requested that the developers include the provisions of Chapter 13, GI 25 of the Kildare County Development Plan 2017-2023 concerning the provision of nesting opportunities for Swifts and Bats.

- TMT Digital Ltd (Digital Office Centres Limited)

TMT Digital Ltd own and operate their business from Block B in Maynooth Business Park. TMT recognise that development could and should take place on the site but the current proposal is unacceptable for the following reasons:

- The description of the development as two blocks is misleading as the eastern and western elevations show one continuous block
- The permitted development provided for two linked blocks with a gross floor area of 9,459m<sup>2</sup>, the current proposal is for 12,641m<sup>2</sup> representing an increase of 33.6% which is over development of the site.
- Blocks A-E were originally designed as a series of three storey blocks set around a landscaped courtyard. The current proposal disregards the original design elements and detracts from what should be a unified development. If permitted, the development would represent a discordant and unbalanced development of the overall site.

- The proposal identifies car parking allocated to the proposed development. However, the spaces are currently allocated to Block B and Block C and therefore, cannot be deemed to be available to Blocks D-E. Car parking for the development will have to be provided elsewhere and there is already a capacity issue within the Business Park.

Following the submission of FI and CFI, TMT Digital Ltd. submitted the following comments:

- Issues relating to car parking reiterated. If the parking spaces identified now form part of the proposed development, there would be a shortfall of 137 spaces to Block A and B which is unacceptable.
- The provision of car parking for the proposed development should be 1 space per 50m<sup>2</sup> of gross floor area in line with the Development Management Standards of the Development Plan. The calculations do not reflect this and should be amended and the numbers reduced accordingly.
- No works have been undertaken to date to render the basement area operational in a safe manner

#### 4.0 Planning History

**PA ref 99/2073:** Permission granted for the construction of an advanced Science and Technology Business Campus adjacent to the M4 Motorway Interchange Junction with the R406 (Maynooth / Straffan Road)

**PA ref 01/1207:** Permission granted on a previously permitted dev. ref. no. 99/2073 for building uses only to include the following: offices, science & technology & office based industry at any of the following blocks: A, B, C, D, & E inclusive Etc.

**ABP-301077-18 (PA ref 17/1370):** Permission granted, and upheld on appeal, for the construction of a new gated vehicular access onto the L5054 Ballygoran Local Road along the southern boundary of the existing business campus development and all associated site works.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Kildare County Development Plan, 2017-2023 is the relevant CDP.

### **5.2. Local Area Plan**

The Maynooth Local Area Plan 2013-2019 is the current policy document pertaining site. The subject site is zoned H2: Office / light Industry & Warehousing and it is the stated zoning objective 'To provide for new and existing light industrial, office park and warehouse development.

High quality design, finish and landscaping of development will be particularly important on these lands, which are located on the approach roads to the town. The opportunity of developing offices within a landscaped setting will be encouraged. Other uses e.g. light industry and warehousing may be considered subject to amenity and other planning considerations. Residential or retail uses (including retail warehousing) will not be acceptable in this zoning. In particular uses such as intensive waste processing and recycling which are deemed incompatible with neighbouring residential areas will be prohibited and any existing incompatible uses will be encouraged to relocate.'

### **5.3. Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Rye Water Valley / Carton SAC (Site Code: 001398) which is located approximately 2.7km to the north east of the site.

### **5.4. EIA Screening**

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

This third-party appeal against the decision of the PA to grant permission is submitted by Peter O'Shaughnessy & Associates, Architects and is made on behalf of TMT Digital Ltd (Digital Office Centres Limited). The grounds of appeal are similar to those issues raised in the course of the PAs assessment of the proposed development and are summarised as follows:

- Issues regarding parking allocation are now the subject of High Court litigation. Until that litigation is concluded, the location of spaces to Blocks D and E cannot be stated definitively.
- The CFI response indicates that parking spaces allocated to the proposed development would result in a shortfall of 137 spaces to Blocks A and B which is unacceptable.
- The proposed parking provision exceeds the car parking requirements of the proposed development and are not in accordance with the CDP. The indication by the Planning report that this is a planning gain is arbitrary. In a time where a reduction in car usage is being encouraged, this assessment flies in the face of sustainability.
- Works which have been undertaken to date are an attempt to render the current basement area operational in a safe manner have been done in an ad hoc manner. The necessary repair works are the subject of litigation.
- The proposal is an over development of the site and detracts from the existing buildings and is not in keeping with the design intention of the original planning permission for the site.

### 6.2. Applicant Response

The first party submitted a response to the third-party appeal. The submission questions the validity of the appeal as it does not state the name or address of the appellant or the person making the referral. If these requirements have not been

complied with, the appeal will be declared invalid and cannot be considered by the Board.

The response to the third-party appeal is summarised as follows:

- Clarification on the position of car parking spaces for Blocks A-E submitted.
- The allocation of car parking can be stated definitively, contrary to the submission of the third party.
- The appellants are aware they have a temporary easement over the spaces reserved for Block D and E
- The appellants are in dispute with the Receivers of Maynooth Business Campus over the suitability of the existing basement for their allocated car parking spaces and are now seeking to leverage a temporary parking arrangement against the applicant, deliberately seeking to disrupt a legitimate planning application process by the applicant, to pressurise the Management Company to carry out remedial works to the basement.
- In terms of the design issues raised, it is submitted that the design of Blocks A, B and C are very much of their time. The current design of Block D and E seeks to make the best use of available land and the height does not exceed the as constructed parapet / ridge heights of the adjoining buildings. The architectural expression is contemporary and will conform to the NZEB energy standards.

There are a number of enclosures with the response including legal opinion on the litigation referred to in the third-party appeal. The submission from AMOSS Solicitors considers that the appeal is disingenuous and intentionally misleading. The objectors' issue is with the Management Company and if the car parking provided to them is deemed not fit for purpose, then that is a matter for the Management Company to provide alternative spaces, not the applicant. It includes details of correspondence between them and the appellant and submits that no value should be attached to their claims or objections in respect of the car parking spaces as this is incorrect and interferes with the applicants' absolute property rights. It is entirely incorrect to suggest that 'until that litigation is concluded, the location of spaces to Blocks D and E cannot be stated definitively'.

### 6.3. Planning Authority Response

The Planning Authority responded to the appeal advising no further comments.

### 6.4. Further Responses

The third-party appellant submitted a response to the applicants' legal response to the appeal. The submission from MWM Solicitors seeks to deal with the car parking issues, on the basis that there are proceedings before the High Court. The submission is summarised as follows:

- The appellant purchased Block B, together with 212 car parking spaces in February 2015. At that stage, unbeknownst to the appellant, the basement car park had been out of use for a number of years.
- 94 spaces, claimed by the current applicant as part of the proposed development, were allocated to the appellant when they purchased Block B.
- A copy of a lease of easement in which the Receivers granted a licence to the applicant to use the 94 spaces was provided to the appellant. It is the appellants position that the Receivers were precluded from doing this as these spaces had been allocated to the appellant.
- The parking spaces are leased by way of lease easements and in that context, any claim to 'absolute property rights' or any right in priority to the appellant (who were first in time) is misguided.
- The appellant is seeking injunction relief to prevent the Receivers of the development from relocating any of their 212 spaces to the basement car park pending it being declared safe and restraining the applicant from claiming an interest in these spaces.
- In the context of the proceedings, the Receiver has provided an undertaking to the High Court not to do anything to alter the status quo, safeguarding the appellants right to the 212 car parking spaces granted to it in 2015.

### 6.5. Observations

None.

## 7.0 Assessment

7.1. Having regard to the nature of the proposed development, together with the information presented in support of the proposed development, as well as the third-party appeal, I consider it appropriate to assess the proposal under the following headings:

- Principle of the proposed development, compliance with the Development Plan
- Design and Visual Impact
- Roads & Traffic Issues
- Appropriate Assessment

### 7.2. Principle of the proposed development, compliance with the Development Plan.

7.2.1. The proposed development seeks to construct an office development within the existing Maynooth Business Campus which is located to the south of the M4 and off junction 7. The site the subject of this appeal remains the only plot within the Business Campus which remains undeveloped. The original planning permission for the Campus was permitted under PA ref 99/2073 and included permission for the construction of 5 office blocks, Blocks A-E – including 3 storey Blocks D and E on the currently proposed site – and 5 office/warehouse units Blocks F-K. Of note is the fact that 966 car parking spaces were allocated to the office blocks A-E. The permitted use for Blocks D and E is for science and technology use and / or office-based industries uses. While the other buildings within the Business Campus have been constructed, the subject site remains undeveloped and the planning permission for the above mentioned development has expired.

7.2.2. In terms of compliance with the Maynooth Local Area Plan 2013-2019, the Board will note that the subject site is zoned H2: Office / light Industry & Warehousing and it is the stated zoning objective 'To provide for new and existing light industrial, office park and warehouse development.' In addition, the LAP states as follows:

High quality design, finish and landscaping of development will be particularly important on these lands, which are located on the approach roads to the town. The opportunity of developing offices within a landscaped setting will be encouraged. Other uses e.g. light industry and warehousing may be considered subject to amenity and other planning considerations. Residential or retail uses (including retail warehousing) will not be acceptable in this zoning. In particular uses such as intensive waste processing and recycling which are deemed incompatible with neighbouring residential areas will be prohibited and any existing incompatible uses will be encouraged to relocate.'

7.2.3. In principle, I consider that the proposed development is acceptable and would accord with the zoning objectives afforded to the subject site. Specific issues in terms of visual impact, roads and traffic of the site are discussed further below.

### **7.3. Design and Visual Impact**

7.3.1. The third-party appellant has raised concerns in terms of the design of the proposed office development on the subject site. It is submitted that the proposal is an over development of the site and detracts from the existing buildings and is not in keeping with the design intention of the original planning permission for the site.

7.3.2. The proposed design, following the amendments made during the PAs assessed, provides for a part 3 / part 4 storey office building which will have a floor area of 12,554m<sup>2</sup> and offering flexible office space over the 3 and 4 floors. The building is designed to provide all main services in a central location while the plant to serve the building will be located at roof level, together with two areas of solar panels and a green roof area. The proposed building includes a gym and canteen at ground floor level as well as a basement level car park for 128 car parking spaces<sup>2</sup>. In addition, 44 new surface car parking spaces, including 9 disabled spaces and 4 EV spaces, are proposed. Provision is also made for 200 bicycle parking spaces throughout the site of the proposed development.

7.3.3. The modern design will use a high quality aluminium framed coated glazing system, a metal canopy and aluminium colour coated cladding. While the existing

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<sup>2</sup> The Board will note that the text response to the CFI indicates 131 car parking spaces at basement level while the drawings delineate 128 spaces, 3 less than stated.

buildings in the Business Campus primarily rise to 3 storeys in height, I have no objections in principle to the proposed building height given the context of the site within the Business Park and essentially surrounded by roads on three sides. Overall, I have no objection to the overall design of the proposed development and consider that if permitted, it would be an acceptable form of development within the context of the Business Park and would not detract from the visual amenity of the existing buildings and businesses operating in the Park.

#### **7.4. Roads & Traffic**

7.4.1. In terms of road and traffic related issues, I note that if permitted, the development has the potential to result in an additional 250 people being employed within the Business Park. These new employees will use the existing road network within and surrounding the Maynooth Business Campus. It is noted that at peak times, traffic movement to and from the site can be quite heavy and in this context, a Traffic Report and Mobility Management Plan were submitted as part of the planning application.

7.4.2. The Traffic Report considers the proposed development in the context of the existing entrance to the Campus via the at grade roundabout junction on the Straffan Road, and also notes that planning permission has been granted for a new gated vehicular access off the L5054, Ballygoran Road, which, when operational, is anticipated to have a positive impact on the main entrance to the business campus. I also note the planning history associated with the subject site where 2 office blocks were permitted as part of the original plans for the Business Campus.

7.4.3. In order to assess the likely traffic associated with the proposed development, the applicant considered the TRICS 2018(b) trip rate database and compared the previously permitted office development and the current proposal. The findings indicate that the proposed development will generate more daily trips than the previously permitted office development, primarily during the AM and PM peak traffic periods. The increases are indicated as follows:

<b>Development</b>	<b>AM In</b>	<b>AM Out</b>	<b>PM In</b>	<b>PM Out</b>
<b>9,459m<sup>2</sup></b>	96	12	8	85
<b>12641m<sup>2</sup></b>	128	15	11	114
<b>Difference</b>	+32	+3	+3	+29

In the context of the wider Business Campus, it is considered that the increase is unlikely to have any material traffic impact on the adjoining roads or junctions.

7.4.4. A Mobility Management Plan has been prepared to further limit the impact of trips and which takes account of the relevant sustainable objectives of the Kildare County Development Plan. A Mobility Manager is to be assigned the task of co-ordination, development and implementation of the plan and secure and covered cycle parking will also be provided within the development site to promote cycling to work, with showers etc to be provided within the office development.

7.4.5. In terms of car parking, the Board will note that this is the primary area of concern for the appellants, owners of Block B, to the proposed development. It is submitted that the issue of surface parking allocation to Block B is the subject of current High Court litigation and therefore, these parking spaces cannot be allocated to the proposed development until the dispute has been settled. In this context, the appellant submits that if permitted, and the identified spaces were allocated to the proposed development, the development would result in a shortfall of 137 parking spaces to Blocks A and B. It is then indicated that the Kildare County Development Plan requires 1 parking space per 50m<sup>2</sup> of Gross Floor Area. The details of the planning application indicate that 1 parking space per 33m<sup>2</sup> of Gross Floor Area is proposed and therefore, the development will result in an oversupply of car parking which would be contrary to the principles of sustainability.

7.4.6. In response to the above, the applicant advises that the appellants are aware that they have a temporary easement over the disputed parking spaces, which have been reserved for Blocks D and E. The parking spaces for Block B are located within the basement car parking which appears to have been deemed unfit for purpose, leading to the temporary arrangement arising. It is submitted that the dispute is with

the Management Company for the Business Campus who are responsible for the carrying out of remedial works to the basement car park.

7.4.7. On the date of my inspection, I noted that the parking spaces to the front of the existing buildings and subject site have been marked, noting the Block they serve. The spaces to the immediate north of the subject building site are clearly identified as D/E. In any case, the applicant proposes to provide a basement car park to part serve the proposed development. I am satisfied that the issue of car parking has been addressed by the applicant and the proposals are acceptable.

7.4.8. While I acknowledge that there is a dispute with regard to car parking spaces, I suggest that this is a legal matter and not for the determination of the Board. In addition, I would be satisfied that the provision of Section 34(13) of the Planning & Development Act, 2000 as amended, which states 'A person shall not be entitled solely by reason of a permission under this section to carry out any development' is sufficient to ensure that any outstanding legal issue is rectified prior to the commencement of development on the site.

## 7.5. **Appropriate Assessment**

The site does not lie within or immediately adjacent to any Natura 2000 site. However, the Rye Water Valley / Carton SAC (Site Code: 001398) is located approximately 2.7km to the north east of the site.

Having regard to the nature and scale of the proposed development and the nature of the wider environment, 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.

## 8.0 **Recommendation**

8.1. It is recommended that permission be **granted** for the proposed development for the following reasons and considerations and subject to the following stated conditions.



## 9.0 Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2017-2023 and the zoning afforded to the site in the Maynooth Local Area Plan 2013-2019, to provide for new and existing light industrial, office park and warehouse development within the Maynooth Business Campus, 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 seriously injure the amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars submitted on the 27<sup>th</sup> day of February, and 12<sup>th</sup> day of April, 2019 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 development shall include the basement car park as detailed in the plans and particulars submitted to the Planning Authority on the 12<sup>th</sup> day of April, 2019. This car park shall be fully operational prior to the occupation of the office building.

**Reason:** In the interests of clarity and traffic safety.

3. Prior to the commencement of any development on the site, the permitted vehicular access to the Business Campus from the L5054 Ballygoran Road shall be fully operational.

**Reason:** In the interests of traffic safety.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals. Any proposed render finish shall be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

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

5. (a) Prior to the commencement of development, the applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

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

(c) Prior to commencement of development, the developer shall submit to, and agree in writing with, details of the proposed green roof and arrangements for its maintenance.

**Reason:** In the interest of public health and to ensure adequate surface water management in the development.

6. Access, parking, for both cars and bicycles, and traffic management arrangements shall comply with the detailed standards for Planning

Authorities for such works and services. The Mobility Management Plan shall be implemented, and arrangements for review of this Plan on a bi-annual basis shall be agreed in writing with the planning authority before development commences.

**Reason:** In the interest of amenity and traffic safety, and to encourage sustainable transportation.

7. Construction and demolition waste shall be managed in accordance with the Construction Stage Waste Management Plan submitted with the planning application. The Plan, shall be agreed in writing with the planning authority prior to commencement of development. The plan shall be 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

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

8. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 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 prior written approval has been received from the planning authority.

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

9. The construction of the development shall be managed in accordance with the Construction Management Plan submitted with the planning application, which shall be 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.

10. No additional development, other than that shown on drawings submitted with the application, shall take place above roof parapet level, including lift motor enclosures, 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, and to allow the planning authority to assess any such development through the statutory planning process.

11. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

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

12. 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 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 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.

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A. Considine  
Planning Inspector

19<sup>th</sup> September, 2019