



An  
Bord  
Pleanála

## Inspector's Report ABP-306057-19

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<b>Development</b>	Demolition of Athlumney Centre & construction of 42 no. dwellings
<b>Location</b>	Bailis, Athlumney, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	NA19200
<b>Applicant(s)</b>	Granbrind Merchants Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission (34 no. conditions)
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Pietro Macari and Mario Macari
<b>Date of Site Inspection</b>	19/02/2020
<b>Inspector</b>	Conor McGrath

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## 1.0 Site Location and Description

The appeal site is located off Metges Road on the eastern side of Navan, just south of the junction with the Kentstown Road (R153). The site comprises a stated area of 0.62ha and is currently occupied by a part single, part two-storey commercial building known as the Athlumney Centre. The centre is largely vacant, with only two units currently occupied by food outlets. The condition of the building appears to be deteriorating. The building is surrounded by surface carparking and yard areas. Lands to the south at Cluain na Boinne, and to the north in Kentstown Court, comprise occupied duplex apartments, while lands to the east are currently under development for housing. Part of the rear yard on the subject site is in use as a construction compound associated with these works. Dormer housing to the west of Metges Road is somewhat elevated above the level of the road.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing Athlumney Centre and the construction of 42 no. apartments in two no. 4-storey blocks. Block A provides 28 no apartments and fronts onto Metges Road. Block B is located in the southeastern quadrant of the site. Open space is provided primarily along the eastern site boundary and the proposal provides a pedestrian link to the adjoining residential lands to the east. 71 no. surface car parking spaces are proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission for the proposed development subject to 34 no. mainly standard conditions, which included the following:

3. Block B shall not be provided in its current location. Revised plans and elevations shall be submitted showing compliance with a separation distance of 22m for opposing first floor windows. The submitted plans show Block B c.19m from the rear first floor windows of Cluain na Boinne.

4. Revised site plans shall be submitted showing a pedestrian and cycle link to Metges road at the southwestern corner of the site, and showing bicycle shelters closer to Block B.
6. (a) – (f) Revised SUDS compliant, surface water drainage proposals.

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

#### **3.2.1. Planning Report**

The development is permitted in principle. The loss of commercial space is acceptable as the uptake of commercial use in the building is low. The density is high but acceptable due to the good pedestrian and cycle linkages to Johnstown Centre and the town centre, proximity of bus stops and the improved architectural treatment of an underutilised site. The mix of apartments is acceptable and they exceed the minimum guideline requirements. The difference in height with adjoining development is acceptable, aided by building design and materials.

#### **3.2.2. Other Technical Reports**

Transportation Dept.: No objection subject to provision of a pedestrian and cycle link to Metges Road at the southwestern corner of the site.

Fire Services: A Fire Safety Certificate is required for the development.

Water Services: Further information requested in relation to the orderly collection, treatment and disposal of surface water to Co. Co. requirements.

Public Lighting and Transportation: No public lighting design provided. FI requested. Landscaping shall not conflict with public lighting requirements.

Housing: Recommend that Part V requirement be met by delivery of units on site.

### **3.3. Prescribed Bodies**

Irish Water: Further information required relating to surveys of the existing sewer and capacity to accommodate the proposed development.

### 3.4. **Third Party Observations**

Submissions to the planning authority raised issues relating to

- Loss of commercial and community space.
- Impact on existing traders in the centre.
- Traffic generation.
- Design issues.
- Lack of open spaces in this area.

## 4.0 **Relevant Planning History**

There have been a number of historic planning cases relating to alterations to the existing commercial centre on the site. (NT/11021, NA/70487, NA/70197, NA/60428, NA/60085, NA/404027, NA30022, NA20100, P98/447).

The planning report on the file also refers to PA ref. NA500158, wherein permission was refused in 2005 for an extension to the Athlumney Centre comprising retail and residential (2 no. apartments) development, on the basis of traffic hazard, haphazard non-integrated development and prejudicial to the development of Bailis Neighbourhood (Johnstown) Centre.

Lands to the east have been subject to permissions for residential development, including in particular PA ref. NA/130058, comprising a 10-year permission for approx. 300 no. residential units. There have been subsequent modifications to this permission.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### 5.1.1. **Meath County Development Plan 2013 - 2019**

Navan is designated at the top level in the settlement hierarchy, as a Large Growth Town I, within the Hinterland Area. Section 2.3.2 notes that it is vital that the future

growth of Navan attains critical mass and it has therefore been identified as the primary growth centre in Meath.

Objectives of the plan (SS OBJ1, SS OBJ4, SS OBJ7, SS OBJ8) seek to direct development primarily towards the identified Large Growth Towns in a way that is balanced, self-sufficient and supports a compact urban form and the integration of land use and transport.

#### 5.1.2. **Navan Development Plan 2009 - 2015 (remains extant)**

The appeal site is zoned A1 Existing Residential: To protect and enhance the amenity of developed residential communities.

In A1 zones, Meath County Council will be primarily concerned with the protection of the amenities of established residents. While infill or redevelopment proposals would be acceptable in principle, careful consideration would have to be given to protecting amenities such as privacy, daylight/sunlight and aspect in new proposals.

Settlement Strategy OBJ 10 To promote the re-use of urban brownfield land and derelict and vacant buildings.

Section 3.9 Neighbourhood Strategy, notes that the indicative network of Neighbourhood Centres is identified on the Development Objectives Map. Their location seeks to ensure that all of the existing and future residential areas of Navan are adequately serviced by local facilities and services, including commercial and community centres.

Neighbourhood Centre POL 2: To implement the neighbourhood strategy in order to provide for the development of sustainable neighbourhoods, focused on neighbourhood centres with a mix of uses, densities and public services in accordance with the proposed area action plans.

Neighbourhood Centre POL 3: To retain, protect and improve the environmental qualities of the existing suburban areas, to reinforce their neighbourhood centres and to provide for additional community services, amenities and facilities as identified in this Development Plan.

## 5.2. National and Regional Policy

### 5.2.1. Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (2009)

The guidelines encourage higher densities on residential zoned lands, including brownfield, inner suburban and infill sites and along public transport corridors, identifying minimum densities of 50 / ha in such corridors, subject to appropriate design and amenity standards. Densities of 35-50 are encouraged on outer suburban / greenfield sites.

In the case of large infill sites or brown field sites, public open space should be provided at a minimum rate of 10% of the site area. Section 4.21 encourages a more flexible approach to quantitative open space standards with greater emphasis on the qualitative standards.

### 5.2.2. Sustainable Urban Housing: Design Standards for new Apartments Guidelines for Planning Authorities (March 2018)

In respect of Peripheral and/or Less Accessible Urban Locations, section 2.5 notes that while the provision of apartments may not be required below the 45 dwellings per hectare net density threshold, they can allow for greater diversity and flexibility in a housing scheme, whilst also increasing overall density. Accordingly, apartments may be considered as part of a mix of housing types in a given housing development at any urban location, including suburbs, towns and villages.

Specific Planning Policy Requirement 3 sets Minimum Apartment Floor Areas, as detailed in Appendix 1. The majority of all apartments in any scheme shall exceed the minimum floor area standard for any combination of the relevant 1, 2- or 3-bedroom unit types, by a minimum of 10%.

Specific Planning Policy Requirement 4 refers to the provision of dual aspect apartments. The guidelines set minimum standards for ceiling heights and number of apartments served by a core. The importance of well-designed communal amenity space is noted. Section 4.6 notes that Communal or other facilities should not generally be imposed as requirements by the planning authority in the absence of proposals from and / or the agreement of an applicant.

### 5.2.3. **Urban Development and Building Heights - Guidelines for Planning Authorities**

It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility. The Guidelines identify broad principles to be considered for buildings taller than prevailing building heights in urban areas and criteria for consideration at the level of the City / town, district / neighbourhood / street and the site / building.

### 5.2.4. **Eastern and Midland Regional Spatial and Economic Strategy**

Located within the Core Region, Navan is designated as a Key Town. These are described as large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.

Their role is to provide for the sustainable, compact, sequential growth and urban regeneration in the town core by consolidating the built footprint through a focus on regeneration and development of identified Key Town centre infill / brownfield sites.

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

The appeal site is in urban use and is not designated for any natural heritage conservation purposes. The closest designated sites to the appeal site are the River Boyne and Blackwater SPA and SAC, which run northeast from the town approx. 1km northwest of the appeal site.

### 5.4. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, 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**

Pietro Macari and Mario Macari raise the following issues in their appeal against the decision to grant permission for the proposed development:

- Impacts on their established business within the centre.
- The centre functions as a neighbourhood centre providing local services and facilities notwithstanding its residential zoning.
- Demand for commercial uses in the area will increase with the levels of surrounding residential development. The Johnstown Centre is already over-subscribed.
- Compliance with conditions could result in significant modifications to the development without third party input and should have been addressed by further information.
- While condition no. 3 requires 22m separation from adjoining housing, this separation is inadequate for this four-storey development.
- The development will therefore not comply with the A1 zoning objective to protect and enhance residential amenity.
- The density of development is significantly greater than and out of character with the surrounding area.
- The Sustainable Urban Housing guidelines recommended reduced levels of car parking. In an adjoining apartment development on Metges Road (ABP-304840-19) the Board reduced the levels of car parking to encourage sustainable travel.
- Parking provision could be replaced with open space.
- No 1-bed units are proposed within the scheme. Under ABP-304840-19, a 20% mix of 1-bed units was considered acceptable.

### **6.2. Applicant Response**

In response to the third-party appeal, the first-party make the following comments:

- The appeal does not raise any new issues which were not addressed comprehensively in the consideration of the application.
- The proposed densities are appropriate for the site, given its context and adherence to national planning policy. It is an effective and efficient response to the site.
- The planning authority consider that appropriate separation distances are achievable.
- Having regard to the proposed design, positioning, levels of screening vegetation and separation distances, the development would not be unduly dominant.
- Parking provision complies with development plan requirements and is appropriate.
- The development provides 76% 2-bed and 24% 3-bed units which is compliant with Sustainable Housing Design Standards for new Apartments.
- The scheme provides variety in housing in the area.

### 6.3. **Planning Authority Response**

Meath Co. Co. note that the issues raised in the third-party appeal were considered and addressed in the course of the planning application.

## 7.0 **Assessment**

7.1. It is proposed to consider the appeal under the following broad headings:

- Land use and development principle.
- Design and layout.
- Access and parking.
- Drainage.
- Other matters arising.

### 7.2. **Land Use and Development Principle**

7.2.1. The appeal site is zoned for residential use and the proposed development is permissible in principle. The site is currently in use as a commercial centre and the

appeal submission argues that the loss of a de facto neighbourhood centre is inappropriate. I note the low levels of use on the site currently and the current poor contribution of the site to the visual amenities of the area. The Johnstown Centre, approx. 500m to the south of the appeal site along Metges Road, is zoned as a Neighbourhood Centre, and provides significant shopping and service facilities. I note also that lands to the north of the Kentstown Road are zoned for Community Infrastructure. In this context, I do not consider that the proposed residential development of the site would be unacceptable in principle.

### **7.3. Design and Layout**

- 7.3.1. The site is currently underutilised and existing structures thereon detract from the visual amenities of the area. The pattern of suburban housing in this area has generally failed to provide active frontage and engagement with the Metges Road.
- 7.3.2. The proposed development provides two 4-storey apartment blocks. Block A creates new frontage to Metges road in a positive manner. Adjoining development to the north and south comprise three storey duplex units and the proposed height of development is not regarded as inappropriate in this regard.
- 7.3.3. The design and layout of the apartments meets the standards of the apartment guidelines and the Sustainable Urban Housing Guidelines. Public open space is located on the eastern site boundary and exceeds the development plan and guideline standards. Shared / semi-private open space adjoins the apartment buildings. The area to the west of Block A is of reduced width and privacy, however, this provides for a stronger urban edge along the adjoining road and overall levels of provision are otherwise regarded as acceptable.
- 7.3.4. Overall density of 65 / ha is high when the site is considered in isolation, however, in the context of the surrounding, wider pattern of lower-density suburban housing this would not be regarded as unacceptable subject to the protection of residential amenities.
- 7.3.5. Adequate levels of residential amenity are achieved within the site and the principle issue arising is the separation of Block B from the rear of existing duplex units to the south, in Cluain na Boinne. Block B provides balconies and living room

accommodation on four floors facing these properties. I regard the level of separation proposed as inadequate and consider that it would give rise to overlooking and overbearing impacts on these properties. This block also provides living room windows facing the rear of 2-storey housing in Dunville Grove to the east (under construction).

- 7.3.6. The planning authority have conditioned that increased separation from development to be south be provided, which can be accommodated within the site.

Notwithstanding this amendment, I also consider it appropriate that the height of Block B be reduced by one floor to reduce potential overlooking and overbearing impacts and achieve better integration with surrounding development. Similarly, with regard to Block A the third-floor terrace on the southern elevation should be set back to reduce potential overlooking of dwellings to the south.

No significant issues of overshadowing arise having regard to the orientation of the development and the main areas of public open space within the development retain main good levels of sun-lighting.

#### **7.4. Access and Parking**

- 7.4.1. The entrance to the site off Metges Road is shared with the adjoining residential development to the north. Metges Road acts as a local distributor and is provided with footpaths and cycle lanes on both sites. The entrance is provided to a satisfactory standard.
- 7.4.2. The scale of development proposed on the site is not significant in the context of the surrounding area and is not likely to result in significant increases in peak hour traffic volumes on adjoining roads. The transport assessment identifies school traffic movements as a key contributor to existing AM peak hour traffic. In this regard, I note that linkages between the proposed development and Dunville estate to the east will improve overall pedestrian and cycle permeability in the area and provide access for alternative modes to schools located off Maple Close, southeast of Dunville.
- 7.4.3. I note that there are cycle lanes on the adjoining road, and bus stops adjacent to the site. The transport assessment submitted with the application indicates that there

are no stopping services along the road at this time, however, Bus Eireann timetables indicate that bus services run to the town centre once every hour approximately.

- 7.4.4. Parking within the development is proposed at a rate of 1.25 spaces per 2-bed unit and 2 spaces per 3-bed apartment unit, with an allowance of 1 visitor space per four apartments, in line with development plan standards. Cycle parking of 24 no. spaces is proposed, and while in line with development plan requirements, I consider that this is deficient. The first party have argued that compliance with the requirement of the Apartment Guidelines would be excessive, however the provision of one space per bedroom would not appear to be an unreasonable requirement for such residential development. Any amendments to the quantum of development on the site should be reflected in the level of parking provision.

## 7.5. Drainage

- 7.5.1. Existing development on the site connects to mains water and sewerage services. The site is almost completely hard paved and currently discharges to a surface water sewer on Metges Road.
- 7.5.2. Lands to the east of the site are identified in development plan maps as “Interface with Flood Zones”. Floodmaps.ie identifies these adjoining lands as being at low probability of flooding (1-in-a-1000 chance of occurring or Annual Exceedance Probability (AEP) of 0.1%.) These lands are currently under development as part of the Dunville development and I note that flood risk was specifically at further information stage under the permission granted under PA ref. NT130058.
- 7.5.3. The design proposal provides for discharge to the surface water sewer on Metges Road, based on 1 in 2-year return period. The solution is based on a reduction of existing discharge from the site through the provision of permeable paving to parking spaces and soft landscaping. Impermeable paving on the site is reduced to 59% of site area from the existing level of 90%. While the design report indicates that flow will be attenuated to 5l/sec with provision of storage of 250-cu.m. on-site, these specifications are not clearly reflected in the submitted drainage drawings.

7.5.4. I note the report of the planning authority Water Services section on the application and I would concur that the surface water drainage design details are inadequate. Having regard to the nature of existing development on the site I consider that in the event of a decision to grant permission, conditions should be attached requiring that revised surface water drainage details be agreed with the planning authority prior to the commencement of development.

7.5.5. I note also the report on the file from Irish Water and the requirement for condition surveys of existing foul sewers in this area. I consider that the requirements in this regard would be adequately covered by condition requiring that details be agreed with Irish Water prior to the commencement of development.

**7.6. Other Matters Arising**

The application was accompanied by an Archaeological Assessment, which recommends that based on the archaeological potential of this wider area, archaeological monitoring of site works be undertaken.

**8.0 Appropriate Assessment Screening**

8.1. The application was accompanied by an Appropriate Assessment Screening Report. This an urban, brownfield site with existing connections to mains water and wastewater services. The site is not designated, or immediately adjacent to any lands designed, as a Natura site. Two such European sites with potential pathways from the appeal site are located approx. 1.1km northwest of the site;

River Boyne and Blackwater SPA 004232	Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests:  Kingfisher Alcedo atthis
River Boyne and Blackwater SAC 002299	Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has

	<p>been selected:</p> <ul style="list-style-type: none"> <li>• Alkaline fens</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i></li> <li>• River Lamprey</li> <li>• Salmon</li> <li>• Otter</li> </ul>
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8.5. Having regard to the nature and scale of existing and proposed development on the site, separation from the European sites and availability of mains wastewater services and the temporary nature of potential construction impacts arising, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on European Site River Boyne and Blackwater SPA 004232, River Boyne and Blackwater SAC 002299, or any other European site, in view of the site’s Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

**9.0 Recommendation**

9.1. That permission be granted for the proposed development.

**10.0 Reasons and Considerations**

Having regard to the policies and objectives of the development plan for the area, the nature of existing development on the site, the design and layout of the proposed development and the pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would not give rise to undue impacts on the visual or residential amenities or the area, would not give to the creation of a traffic hazard and would not be prejudicial to public health. The proposed development would

therefore be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The terraces serving Apartment no.'s A-26 and A-27 shall set-back approx. 1.9m from the southern elevation, along the line of the southern elevation of apartment no. A-26.</p> <p>(b) Apartment Block B shall be relocated approx. 2m to the north and second floor accommodation (Apartments B-09 – B-12 inclusive) shall be omitted from the development.</p> <p>(c) A pedestrian and cycle link from the proposed development to Metges Road shall be provided in the southwestern corner of the site.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In order to protect the amenities of adjoining development and in the interests of sustainable transport.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with,</p>



	<p>the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Prior to the commencement development on the site, revised design details for the collection, treatment and disposal of surface water shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of public health</p>
5.	<p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreement(s) with Irish Water, which shall include details of the proposed connection to the foul sewer.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
8.	<p>A minimum of 84 no. bicycle parking spaces shall be provided within the site. Details of the form and layout of such provision shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
9.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p>

	<p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications, broadband and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
11.	<p>(a) The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 12th day of September, 2019. This work shall be completed before any of the dwellings are made available for occupation.</p> <p>(b) Prior to the commencement of development on the site, details of the treatment of all existing and proposed boundaries on the site shall be submitted to and agreed in writing with the planning authority.</p>

	<p><b>Reason:</b> In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose</p>
12.	<p>(a) Prior to commencement of development, all trees, groups of trees, boundary hedgerows and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p><b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be</p>

	<p>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. 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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
15.	<p>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 parking, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
16.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>

17.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution in</p>

respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Conor McGrath  
Senior Planning Inspector

19/02/2020