



An
Bord
Pleanála

Inspector's Report ABP311937-21

Development	Three terraced houses.
Location	Kelly's Garage, Newtownmoyaght, Kilcock, County Kildare.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	21/1659.
Applicant(s)	Dermot Kelly Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Dermot Kelly Ltd.
Observer(s)	None
Date of Site Inspection	18 th November 2022
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The site is a brownfield site, has a stated area of 0.5ha and is part of the former Kelly's Garage, Kilcock, County Kildare. The site is within the administrative area of Meath County Council but comprises a triangle of area south of the Rye River and this anomaly arises from a change in the course of Rye River some decades ago which left 0.05ha of County Meath's administrative area south of the realigned river. The larger development of which this forms a natural part is subject to a current appeal under ABP311751-21.
- 1.2. The site is an area of made ground whose northern boundary backs onto the Rye River in the north-western corner of the larger landholding. The other two edges of the site are not defined. The overall former Kelly's garage site has a southern boundary onto the R148 Kilcock/Maynooth regional route and on the other side of R148 is the Royal Canal. To the west is the rear wall of an adjoining Lidl supermarket. Within the wider site is a gym, parking areas, the former car dealership building and associated sheds and out-buildings.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of a shed and the construction of 3 terraced houses and associated landscaping, boundary treatments and all associated works above and below ground at Kelly's Garage, Newtownmoyaght, Kilcock, County Kildare.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for 3 reasons.

1. The AA screening report accompanying the application is inadequate to conclude that the proposed development by itself or in combination with

other developments would not have a significant effect on the Rye Water River SAC.

2. The proposed development may be at risk of flooding and therefore be contrary to objective WS POL 29 of the Meath County Development Plan and the Flood Risk Management Guidelines for Planning Authorities (DoEHLG 2009).
3. The proposed development is on un-zoned lands beside zoned lands which do not have permission for development, would constitute piecemeal haphazard development, would provide a poor standard of residential amenity for future residents, depreciate the value of adjoining property and create an undesirable precedent for similar forms of development contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's report recommends refusal as set out in the Manager's Order.

3.2.2. Other Technical Reports

- 3.3. The **Heritage Office** recommended requesting further information in relation to the impacts on the Rye River.
- 3.4. The **Environment Department** pointed out problems with the submitted site-specific flood risk assessment (SSFRA) and sought further information or refusal on grounds of flood risk.
- 3.5. **Public Lighting Engineer** reported that public lighting was the responsibility of Kildare County Council in this case.
- 3.6. **Transport Planning** reported that the applicant should amend the proposed parking spaces, provide access to the riverside walk and submit detail of footpaths, cycleways to Kildare County Council.

- 3.7. **Irish Water** reported no objection.
- 3.8. **Water Services Section** reported that surface water design should be agreed with Kildare County Council. All works should comply with the Greater Dublin Strategic Drainage Study (GDSDS).
- 3.9. **Inland Fisheries Ireland** made a submission detailing the necessity to protect the ecology of adjacent water courses (Rye River and Royal Canal).

4.0 **Planning History**

- 4.1. On the overall site of the former car showrooms is subject to a current application under 21/1121/ABP311751-21 decided by Kildare County Council.

5.0 **Policy and Context**

- 5.1. **Project Ireland 2024/National Planning Framework.**
- 5.2. The NPF addresses the issue of making ‘stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place.
- 5.3. **National Policy Objective 13** – In urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- 5.4. **National Policy Objective 33** – seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.5. **National Policy Objective 35** – Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.

5.6. **Eastern and Midland Regional Spatial and Economic Strategy (RSES).** Is the relevant regional strategy for the area.

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartments Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'.

5.7. **Sustainable Residential Development in Urban Areas Guidelines for planning Authorities (2009)** encourages higher residential densities in new development in towns and cities, areas close to public transport facilities and areas served by public services and community facilities.

5.8. **The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG/OPW 2009)** seeks to ensure that planning authorities in carrying out their functions ensure that, where relevant, flood risk is a key consideration in preparing plans and in the assessment of planning applications.

5.9. **Development Plan**

5.10. The Meath County Development Plan 2021-2027 is the current County Development Plan relevant to this site. The site is zoned open space in the Kilcock Environs Plan landuse zoning map attached to the Plan.

5.11. Permitted uses within this landuse zoning are Car Park for Recreational Purposes, Craft Centre / Craft Shop, Community Facility / Centre, Cultural Facility, Cycleways / Greenways / Trail Development, Leisure / Recreation / Sports Facilities, Playing Pitches, Playgrounds, Utilities. Open for consideration uses are Allotments, Bring

Banks, Childcare Facility, Place of Public Worship, vehicular/cyclist/pedestrian access to zoned lands where appropriate.

5.12. In relation to flood risk assessment the Meath County Development Plan includes the following objectives.

5.13. **Inf OBJ 20** – To implement the Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG/OPW 2009) or any updated guidelines. A site-specific Flood Risk Assessment should be submitted where appropriate.

5.14. **Natural Heritage Designations**

Not relevant.

5.15. **EIA Screening**

5.16. Having regard to the very modest scale of the proposed development and the foreseeable emissions therefrom it is reasonable to discount the requirement for an EIAR and carrying out of EIA at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The applicant submitted a Site-Specific Flood Risk Assessment (SSFRA) with the application which demonstrated that the site is not prone to flooding. The grounds of appeal include an additional report dealing with the issues raised in the planning authority's reports further showing that the site is not liable to flooding.
- Section 37(2)(b) of the Planning acts allows the Board to overturn decisions relating to applications which the planning authority determined 'materially contravened' the County Development Plan. National policy in relation to housing provision supports this application. Residential schemes in the area have established the appropriate form of development. There are conflicting objectives in the Plan.

- The application included an AA screening assessment which the planning authority did not consider adequate to demonstrate that there would not be potential impacts on the Rye River SAC. The appeal includes a full NIS which addresses the potential impacts on the SAC and demonstrates that the proposed development will not adversely affect the Rye Water/Carton SAC.
- A Construction Environmental Management Plan is also submitted with the appeal to address this point raised by the planning authority.
- In relation to the zoning of the site in the County Development Plan the planning authority's reports makes the point that un-zoned in the previous plan which probably arose from a mapping error. In the current Meath County Development Plan the site is zoned 'Open Space and Amenity' but is zoned Town Centre uses in the Kilcock LAP.

6.2. **Planning Authority Response**

- The planning authority considered the issues raised in the appeal in its reports.

6.3. **Observations**

- None

6.4. **Further Responses**

- None.

7.0 **Assessment**

7.1. This assessment will address the 3 refusal reasons set out by the planning authority.

7.2. **Appropriate Assessment – Reason 1.**

7.3. The planning authority refused permission because the AA screening report submitted with the application was inadequate. The appeal includes an NIS. Receipt of the NIS was advertised to the public at the Board's request and provision was made for additional submissions. No additional submissions were received.

7.4. Screening

7.5. The NIS identified the Rye Water Valley/Carnton SAC (001398) as the only European site on which the project was likely to have a significant effect either individually or in combination with other plans or projects in view of the site's conservation objectives. Other European sites were screened out having regard to the distance between the application site and those other European sites and the nature of possible pressures on the conservation objectives and/or qualifying interests of those European sites arising from the proposed development. Having regard to the material set out in the NIS and the other European sites identified by the NPWS I am satisfied that this screening exercise is robust and reasonable and that it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European sites other than the Rye Water Valley/Carnton SAC (001398) and that the submission of an NIS in relation to any other European site is not required.

7.6. Stage 2 Appropriate Assessment.

7.7. The conservation objective for the Rye Water Valley/Carnton SAC (001398) is the maintenance of habitats and species within the site at favourable conservation condition thereby contributing to the maintenance at favourable conservation condition of those habitats and species at national level. The qualifying interests are the Narrow-mouthed Whorl Snail *Vertigo angustior*, Desmoulin's Whorl Snail *Vertigo moulinsiana*, and Petrifying springs with tufa formation (*Cratoneurion*).

7.8. The SAC begins 6.3kms downstream from the application site. The potential direct impacts are identified as the release during the construction phase of sediments and hydrocarbons (fuel oils, lubricants etc). The potential for this impact to arise will be mitigated by, *inter alia*, the appointment of a construction environmental management plan co-ordinator who will ensure implementation of the mitigation measures set out in the NIS Table 3-3. These measures include but are not limited to the provision of silt fencing along the length of the Rye River within the application site, measures to mitigate against flood risk during construction works, all stationery plant will be fitted with drip trays and a vegetation buffer will be maintained along the riverbank. All fuel oils/lubricant storage areas will be bunded to 110% storage

capacity, cement and cement products will be stored indoors and any wash waters will be prevented from entering any water course.

7.9. There are no operational phase potential impacts identified. There are no cumulative impacts identified. There are no residual impacts identified. I am satisfied that the NIS in its assessment has properly applied the source – pathway- receptor model when considering the potential impacts arising from the proposed development on the SAC.

7.10. I have read the NIS submitted with the appeal and I note that there are no further submissions made in relation to it. I have considered the other material on file, the material published by the NPWS (copy attached) in relation to the Rye Water Valley/Cartron SAC (001398) and carried out a site inspection, including of the Rye River as it adjoins the application site. I consider it reasonable to conclude on the basis of the information on file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the Rye Water Valley/Cartron SAC (001398) or any other European site, in views of the site's Conservation objectives.

7.11. **Reason – 2**

7.12. The planning authority was not satisfied on the basis of the information submitted with the application that the proposed development would not be at risk of flooding and thereby contrary to the provisions on the Meath County Development Plan 2013-2019.

7.13. The Meath County Development Plan 2021-2027 is the current Meath Development Plan. Planning policy Inf OBJ 20 requires compliance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG/OPW 2009) and submission of a site-specific Flood Risk Assessment (SSFRA) should be submitted where appropriate. The application included a SSFRA, the planning authority did not agree with the SSFRA's conclusion that the proposed development is outside present day and climate change range of 1% AEP and 0.1%AEP fluvial floodplain of the Rye River.

7.14. The appeal included a further analysis of the flood risk associated with the site addressing the points made in the planning authority's Environment Department Reports.

- ***The planning authority states that the development site is within the OPW CFRAM flood zones.*** These flood zoning maps are not always accurate (as in the present case and as noted by the OPW's own guidance documents) and site-specific data should be collected to inform the consideration of individual cases. In this case a site-specific study was undertaken by the applicant and this forms the basis of the SSFRA submitted.
- ***The planning authority requires a justification test for the proposed development.*** Such a test is required only where vulnerable uses (for example housing) is proposed in flood zone A (most prone to flooding). The SSFRA confirms that the proposed housing is not in flood risk zone and therefore the justification test is not required as is clear from the Flood Risk Management Guidelines.
- ***The planning authority does not accept that the potential flood risk has been properly assessed in the application.*** The SSFRA has demonstrated that the topography of the site is not reflected in the CFRAM maps and has demonstrated both for the present case and for climate change scenario that no vulnerable uses are likely to be impacted by fluvial flooding from the Rye River.
- ***The planning authority believes that flood defences up-stream of the application site have not been properly factored into the SSFRA submitted by the applicant.*** The applicant's SSFRA did not identify any hydraulic changes close to the site which would impact on potential for flooding within the site. Additionally, as per the OPW advice, a freeboard of 0.5m above the highest foreseeable flood event has been incorporated into the proposed houses.

- ***The planning authority required that the applicant should factor in the advice of the “Flood Risk Assessment & Management Study for Rye River Water, Kilcock (RPS 2009).*** The report referenced by the planning authority dates from 2009 and better information is available since that date. The SSFRA with this application has better data and the design recommendations set out in the SSFRA are more onerous than those set out in the Rye River Water study.

7.15. The planning authority did not comment on the appeal (including the material in relation to flooding). I agree with the applicant that the CFRAM maps are not definitive and that the point of a SSFRA is to better inform the decision-making process by factoring in current conditions on site and any other/new information. The application has provided a flood zone map for the site which shows all the housing as being out of the Flood zone A as identified by the Flood Risk Guidelines. Kildare County Council Water Services Section noted but recorded no comments in relation to the SSFRA submitted with ABP311751-21 for 65 and 7 houses apartments on the overall site. I note the overall freeboard of 0.5m provided within the development above the highest foreseeable flood event and I agree with the applicant’s interpretation of the advice set out in the Flood Risk Management Guidelines in relation to the circumstances where a justification test is required in the development management process. Therefore, having regard to the material submitted with the application and appeal and notwithstanding the planning authority’s reason for refusal I conclude that there is no reasonably foreseeable flood risk applicable to the proposed development and that the application should not be refused on this basis.

7.16. Refusal Reason 3.

7.17. The third reason for refusal states that the site is not zoned for development, that development would constitute piecemeal haphazard development, would provide a poor standard of residential amenity for future residents, depreciate the value of adjoining property and create an undesirable precedent for similar forms of development contrary to the proper planning and sustainable development of the area.

- 7.18. The planning authority did not state that the proposed development constitutes a material contravention of the County Development Plan and therefore Section 37(2)(b) of the P&D Acts does not apply.
- 7.19. The site is now zoned open space in the Kilcock Environs Plan land use zoning map attached to the current Meath County Development Plan 2021-2027. Housing is not a permitted use or open for consideration in this zone.
- 7.20. The site is an anomaly in that it is south of the Rye River and cut off from the area of zoned open space to the north of the river and is inaccessible (except by boat) from that area zoned for open space. The change in the course of the river since the drawing of the county boundaries in Ireland under the Local Government (Ireland) Act 1898 has created this anomaly. For this reason and because it is part of the same landholding as the development being considered under Kildare planning register reference 21/1121 appeal reference ABP311751-21, is designed to be fully integrated into that application and dependent on it I recommend that if the Board grants permission under ABP311751-21 that this application should also be granted.
- 7.21. The development resulting from a grant in this case and a grant under ABP311751-21 would not comprise haphazard or piecemeal development nor would it result in a poor standard of residential development that would undermine the residential amenity of future residents. The closest development to these houses would be the Lidl supermarket on the adjoining site to the west which will not be negatively affected by the proposed three houses, or the additional residential development proposed under ABP311751-21.
- 7.22. **Remaining Matters.**
- 7.23. The number of houses proposed (3 units) is below the threshold for triggering the requirements of Part V. Condition 15 allows the applicant and the planning authority to agree on the management arrangements for the houses if such is different from the apartments on site.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

10.0 The regard to the location of the site south of the Rye River and as part of the overall brownfield site on the edge of Kilcock, the zoning of former Kellys Motors site for town centre uses in the current Kilcock Local Area Plan which provides, *inter alia*, for residential development, the location of the site close to town centre facilities and community services, to the availability of piped public services to serve the proposed development, to the availability of vehicular and pedestrian access from the R148 and subject to the conditions set out below it is considered that the proposed development would not seriously injure the visual or residential amenity of the area, would not give rise to water pollution or to traffic hazard and would otherwise accord with the provisions of the Meath County Development Plan 2021-2027, with the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures set out in the Natura Impact Statement lodged with the appeal shall be carried out in full, except where otherwise required by conditions attached to this permission.</p>

	<p>Reason: To protect the integrity of the Rye Water Valley/Carton SAC (001398).</p>
3.	<p>Details of the materials, colours and textures of the hard landscaping along with details of the tree and/or other planting of the 2.5m buffer to be provided along the Rye River within the site shall be submitted to and agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter may be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of residential amenity and to protect the ecology of the Rye River.</p>
4.	<p>(a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and access road shall be in accordance with the detailed standards of the planning authority for such works.</p> <p>(b) Details of the layout of the junction of the access road with the R148 shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
5.	<p>a) All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.</p> <p>b) Details of all other boundaries within the site, including the boundary with the R148 shall, shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interests of residential and visual amenity.</p>
6.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interests of clarity and public health</p>

7.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
8.	<p>Details of the materials colours and textures of all the external finishes to the proposed development shall be submitted for the written agreement of the planning authority, prior to commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
9.	<p>The site shall be landscaped in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.</p> <p>Reason: In order to ensure the satisfactory completion of the development</p>
10.	<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 employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.</p> <p>Reason: 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>
11.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p>

	Reason: In the interest of urban legibility.
12.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity</p>
14.	<p>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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment</p>
15.	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment blocks. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.</p>

	<p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
16.	<p>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. 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>Reason: In the interest of sustainable waste management.</p>
17.	<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:</p> <p>(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;</p> <p>(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p>

	<p>(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
18.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<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>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge</p>

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

24th November 2022