



Development

Demolition of a warehouse/light industrial building & demolition of weighbridge building & removal of weighbridge plus removal of septic tank and percolation area. The development will consist of a warehousing/light industrial unit on an 8 acre site.

Location

Raystown, Ashbourne Road, Ratoath, Co Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

21969

Applicant(s)

Briggs Equipment Ltd

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

(1) Mary Gleeson.
(2) Michael & Sarah Gleeson

Observer(s)

(1) Roddy & Carmel Ryan

(2) Niall Colfer

Date of Site Inspection

12th March 2022

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal, site, which has a stated area of 3.24 hectares, is located just over 2km from Ratoath village centre and on the southern side of the R125. The appeal site is made up of the curtilage of an existing commercial development (last use was haulage firm operating on site but appears to be currently vacant) with two warehouse structures on site and open yard area. The appeal site also includes a field area that wraps around the eastern and southern side of the existing commercial operation on site. The boundaries of the appeal site are defined by existing hedgerow (field area). Adjoining uses include existing commercial/warehousing development on the lands to the east and west of the site and agricultural lands to the south. The nearest dwellings includes a dwelling the opposite side of the road to the north and a dwelling adjacent the north eastern corner of the site.

2.0 Proposed Development

2.1. Permission is sought for demolition of an existing warehousing/light industrial building (1,577sqm, 9.49m high) currently used as a depot for a HGV haulage firm and demolition weighbridge building and removal of weighbridge (118sqm and 2.75m high), removal of septic tank and percolation area to the rear of the site. Permission is sought to construct...

A new development consisting of a warehousing/light industrial unit (total floor area of 5,585sqm) on an 8-acre site. The development includes the following...

- 4,392sqm warehouse/light industrial area for storage and maintenance of plant and equipment (mainly forklift trucks and other materials handling equipment).
- 348sqm ancillary workshop.
- 98sqm trade counter.
- 438sqm ancillary office accommodation on 2 floors and 309sqm staff facilities.

The proposal also includes the following...

- 379sqm external plant display area to front of yard for occasional display purposes within the site.

- Widening existing site access from 6.5m to 12, to the R125 Ashbourne Road to facilitate ease of access and egress.
- Wash bay for plant/equipment within rear yard.
- Ancillary yard for access/egress, marshalling. External storage of plant and equipment, 5,211sqm within external yard.
- Provision of a new wastewater treatment system and infiltration area with ecoflow coconut tertiary treatment filter.
- Site boundary treatment including fencing, landscaping/planting and paving.

2.2 Revisions were made to the development by way of further information and such are part of the approved development. Omission of 379sqm external plant and display areas, site access gate now 9m wide and vehicular wash bay incorporates a pollution prevention interceptor.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission granted subject to 18 conditions. Of note is the following conditions...

Condition no. 3: Pre-development testing.

Condition no. 5: Conditions regarding entrance and front boundary treatment.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning report (15/07/21): Further information required including clarification of development description and the nature of development proposes, demonstrate compliance with Objective FP OBJ 3 of the Development Plan, submission of daylight and shadow projection to assess impact on adjoining dwellings, submission of a visual impact assessment, removal of external storage and display area,

submission of lighting design, landscaping and boundary treatment, set back of entrance and alteration of roadside boundary, details regarding the wastewater treatment system and details of a pre-connection enquiry with Irish Water.

Planning report (14/12/21): The proposal was considered to be satisfactory in the context of the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Water Services (15/06/21): No objection subject to conditions.

Irish Water (19/06/21): Further information required including a pre-connection enquiry.

Transportation (28/06/21): No objection subject to conditions.

Environment (14/07/21): No objection.

Heritage Officer (14/07/21): No objection.

Water Services (25/11/21): No objection subject to conditions.

Irish Water (28/11/21): No objection.

Transportation (10/12/21): No objection subject to conditions.

Environment (13/12/21): No objection subject to conditions.

3.3. Prescribed Bodies

Department of Culture, heritage ad Gaeltacht (23/06/21): Condition requiring pre-development testing.

3.4. Third Party Observations

4 no. third party submission received. The issues raised can be summarised as follows...

- Traffic safety/congestion issues, more appropriate lands zoned for such development elsewhere, negative impact on natural habitats and wildlife and increased noise and air pollution.

4.0 Planning History

01/0872: permission refused for extension to existing commercial warehouse premises. Refused based on traffic hazard and contravention of Development Plan policy.

PL17.108695 (98/1264): Permission refused for an extension to an existing commercial warehouse. Refused based on traffic hazard and contravention of Development Plan policy.

PL17.094384 (94/0616): Permission refused for an extension to an existing commercial warehouse. Refused based on traffic hazard.

PL17.091031 (92/1408): Split decision with permission granted for change of use of agricultural warehouse to commercial warehouse. Permission refused for extension to warehouse due to traffic hazard.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Meath County Development Plan 2021-2027. The appeal site is located within the boundary of the Ratoath Local Area Plan 2009-2015 which appears to be have superseded by the County Development Plan. The appeal site is zoned E2 zoning which has a stated objective “to provide for light industrial and industrial office type employment in a high quality campus environment

subject to the requirements of approved framework plans and the provision of necessary physical infrastructure”.

RA OBJ 6

To encourage the development of lands at Raystown for appropriate general enterprise and industrial purposes to provide for small and medium sized industries to develop subject to the provision of necessary physical infrastructure ('General Enterprise & Employment' land use zoning objective applies). Building layout for the lands, building height and design principles shall be appropriate to the zoning objective of the site and minimise any potential impacts on neighbouring residential properties and the surrounding area.

RA OBJ 7

To facilitate the development of the Ratoath Outer Relief route in tandem with development.

5.2. **Natural Heritage Designations**

None in the zone of influence of the project.

5.3. **EIA Screening**

The proposal is for demolition of a warehouse/light industrial building & demolition of weighbridge building & removal of weighbridge plus removal of septic tank and percolation area. The development will consist of a warehousing/light industrial unit on a 3.24 hectare site. The nature and the size of the proposed development is well below the applicable thresholds for EIA with the relevant threshold being urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere. I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents.

The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by VCL Consultants on behalf of Michael & Sarah Gleeson, Dardistown House, Ratoath Road, Raystown, Ashbourne, Co. Meath. The grounds of appeal are as follows...

- There have been a number of applications linked to this site refused on the basis of traffic hazard with existing issues concerning traffic congestion at this location and no improvements of the road network since these applications. The issue of traffic hazard identified in the previous decisions is still a relevant issues.
- The appellants access the R125 through a shared access with other dwellings. The proposal for increased traffic generation and turning movements would have an impact on the ability to safely access their property.
- The appellant questions the conclusions and methodology of the submitted traffic report with considerable traffic congestion and issues with queuing traffic that will be exacerbated by the proposed development.

6.1.2 A third party appeal has been lodged by Mary Gleeson, Raystown Lodge, Ashbourne, Co. Meath. The grounds of appeal are as follows...

- The existing road has issues regarding traffic congestion and high traffic volumes. The proposal will add further congestion and result in pollution and safety issues. The Board previously rejected proposals at this location on traffic grounds. The site is located on Regional Route within the 80kph speed limit and such is an inappropriate location for such a development.

- There are far more appropriate locations for this development with other industrial development zones in Ashbourne and Dunboyne that would be a more sustainable in terms of planning and development.
- The proposed development is less than a kilometre from a crèche and 1.5km from a large national school and is an inappropriate location for the nature of development proposed.
- The proposal would have an adverse environmental impact with natural habitat in the area, a stream and small forested area in close proximity to the site.
- The appellant has submitted a USB device with video of traffic congestion on the route.

6.2. Applicant Response

6.2.1 A response has been received from the applicant, Briggs Equipment Ltd.

- The applicant refers to the TIA submitted, the fact the Transportation Dept were satisfied and question whether congestion is as significant as stated in the appeal submissions. It is noted that increased capacity will be facilitated by the provision of the Ratoath Orbital Relief Road.
- The proposal is complaint with zoning and commercial activity of long established at this location. The proposal is compliant with Development Plan policy.
- In terms of environmental impact an Ecological Impact Assessment was submitted that demonstrated no significant impact and appropriate mitigation measures. Appropriate Assessment screening determined that there would be no significant effects on any Natura 2000 sites.

6.3. Planning Authority Response

6.3.1 Response by the Meath County Council.

- The PA notes that they consider the proposal to be acceptable in the context of proper planning and sustainable development of the area.

6.4. Observations

6.4.1 Observations have been submitted by...

Roddy & Carmel Ryan, Raystown, Ashbourne, Co. Meath.

Niall Colfer, Raystown, Ashbourne, Co. Meath.

- Existing issues with traffic congestion at this location with such being exacerbated by the proposed development/increase in traffic.
- Traffic hazard due to additional turning movements and existing congestion/traffic levels.
- Impact of disturbance/noise on residential amenity with existing concerning industrial activity at this location and enforcement issues regarding permitted warehousing uses and compliance with conditions.
- Inappropriate location for the proposed development with more suitable industrial zones elsewhere in the county.
- Adverse environmental impact with existing natural habitat in the area and proximity of stream and forested area to the site.

7.0 Assessment

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/land use policy

Traffic

Visual impact/rural character/ecological impact

Wastewater Treatment system

7.2. Principle of the proposed development:

7.2.1 The proposal is for demolition of existing commercial warehouse structures and construction of a commercial development including warehousing and external storage areas for plant equipment. The applicant supplies forklifts with the proposed development providing for sales and hire of forklifts as well as maintenance and servicing. The appeal site is zoned E2 “to provide for light industrial and industrial office type employment in a high quality campus environment subject to the requirements of approved framework plans and the provision of necessary physical infrastructure”.

7.2.2 The proposed use, which is commercial in nature consisting of plant equipment sales, hire and maintenance is a compatible use within this zoning objective with both Industry-Light and Industry-General identified as being acceptable uses. The appeal site already has an existing commercial use with permitted warehousing development on site. I would consider the principle of the proposed development to be acceptable. The proposal was assessed under the previous Development Plan and the Ratoath Local Area plan, which has been superseded by the Meath County Development Plan 2021-2027, which now outlines zoning and planning policy for urban settlements in the county including Ratoath. The previous policy on site contained objectives relating to provision of framework plans for the E2 zoned lands at Raystown. The new plan does not include such objectives. Notwithstanding such the proposal will lead to the entirety of lands zoned E2 to the south of the public road at this location to be developed for appropriate uses and there is no issue concerning need for a framework plan to facilitate development.

7.3 Traffic:

7.3.1 The main issues raised by the appellants concerns the traffic impact of the proposal. The appellants and observers outline how the public road at this location is heavily trafficked with significant congestion experienced at this location including queuing at certain times. The appellants state that the additional turning movement would

represent a traffic hazard and obstruction of other road users. The appellants and observers point to the fact that permission has been previously refused by both the Planning Authority and the Board for traffic reasons for extension and intensification of existing commercial uses at this location. The appellants and observers note that there has been no significant change or upgrade of the road since these decisions and question the merits of a different stance to the proposal.

7.3.2 The existing commercial operation on part of the site has a vehicular access off the R125 with the proposal seeking to widen the entrance and improve its layout. The original proposal was to widen it to 12m, however such was altered by way of further information in response to the requirement of the Council's Transportation Department. The appeal site although on zoned lands is located outside of the urban limits of Ratoath and is part of an enclave of commercial development/commercial zoning separated from the village. The appeal site is located on a section of the R125 that is outside of the urban speed limit with the site within the 80kph speed limit zone.

7.3.3 The applicant submitted a Traffic Impact Assessment (TIA) with the application. The TIA includes a description of the proposal, a description of the road network and existing conditions. The existing vehicular access can achieve sightlines of 160m setback 3m from the road edge with a 6m wide access point. The proposed development entailed provision of a 12m wide access, however such was later revised/approved as a 9m wide entrance. The entrance is located within the 80kph speed limit zone with the 60kph urban speed limit for Ratoath beginning approximately 300m to the west of the site. The TIA outlines parking provision on site including vehicle and bicycle parking and notes that such is in accordance with Development Plan standards. A traffic survey was carried out at this location and details of trip generation is provided with peak hours identified as between 07:00-08:00 and 17:00-18:00. Details of staff numbers are provided with 26 full time staff employed on site and 15 field engineers. In terms of HGV traffic it is estimated that 7 HGV movements in and out of the site on typical weekday. The TIA assessment of the R125 include a construction year of 2023, and design year of 2028 and 2038.

The TIA outlines the percentage traffic growth anticipated for Co. Meath based on TII Travel Demand Projections document. Based on modelling (TRICS) it is estimated that the predicted percentage impact on the R125 is less than 10% for the assessment years. It is indicated that due to the percentage impact being below 10% and in an area where there is no existing congestion a capacity assessment of nearby junctions is not warranted and that there are no specific traffic mitigation measures required in this case other than maintenance of the road frontage to preserve sightlines.

7.3.4 The appellants and observers are of the view that the existing road is a congested location. I visited the site on a Saturday, which may not have given a true reflection of traffic levels experienced on a weekday. In my view a number of factors are relevant in assessing traffic impact. The appeal site already facilitates permitted commercial development with an existing vehicular entrance point and the site is zoned for commercial development including lands that have been previously undeveloped. The current proposal would entail the full development of the commercial zoned lands on the southern side of the road resulting in two separate commercial enterprises with vehicular entrances, which is the current arrangement at this location. The proposal is more intense and expanded version of commercial development at this location but not a significant departure from the existing traffic arrangements at this location (two commercial development on the southern side of the road with two entrances). The vertical and horizontal alignment of the public road is of a good standard and existing sightline provision is of an acceptable standard. The proposal provides for an upgraded access layout. I am of the view that entrance arrangements onto and off the public road are of a sufficient standard to cater for the turning movement likely to be generated. I am also of the view that in the context of such and taken in conjunction with the zoning objective of the site and its existing use for commercial development, that the proposed development would be acceptable in the context of traffic safety and convenience.

7.4 Visual impact/rural character/ecological impact:

7.4.1 One of the issues raised in the appeal concerns ecological impact/natural heritage with the appellants/observers pointing out that there is natural habitat on site and that the site is in close proximity to a stream and a forested area. The appeal site is mainly in agricultural use with a large portion of site constituting improved grassland and being defined by existing boundary hedgerow. A portion of the site is in commercial use being occupied by warehousing structures and external yard areas.

7.4.2 In terms of overall visual impact the appeal site is zoned for commercial use including industrial uses and the appeal site and general location has a number of existing commercial operations characterised by warehousing structures of some scale. The proposal does entail an expansion of the extent of commercial activity at this location into the field area adjacent the existing commercial operation on site. I would, however the scale of structures proposed on site is not excessive or out of character with the established pattern of development and the nature of existing operations at this location. There are proposal for landscaping including a strip around the perimeter of the site to cater for landscaping/planting. The applicant submitted a Visual Impact Assessment report including photomontages illustrating the pre and post development scenario. I am satisfied that the overall visual impact of the proposed development is acceptable at this location.

7.4.3 In terms of ecological impact and natural heritage, the appeal site is improved grassland with existing trees and hedgerows defining the boundaries of the site. As noted above the site is zoned for urban/commercial development and a significant part of the site is already in commercial use. There is an existing stream running along the southern boundary of the site. An Ecological Impact Assessment was submitted with the application. The site is not subject to any designations of conservation value or status. A desk and field study was carried out including bird, bat and mammal survey and a survey of habitats. The site is not of high ecological value (assessed as being low local ecological value) and is located adjacent a rural zoning and similar lands that can facilitate any displacement. In relation to bats the survey results showed no bat roosts on site and no trees or buildings with potential for bat roosts. The proposal includes a number of mitigation measures including

during the construction and operational phase to minimise impact including extensive landscaping proposals, minimising site disturbance during construction, no clearance of vegetation during the nesting and breeding season for birds and wildlife, additional landscaping and planting and installation of wildlife friendly lighting. The proposal would be satisfactory in the context of ecological impact and I am satisfied that mitigation measures are proposed to minimise the impact of the proposal.

7.4.4 The appeal submission and observations raised concerns regarding the proximity to a stream and a forested area. The appeal site is sufficiently removed from these elements and poses no risk to these elements. I am satisfied that the appeal site is not of high conservation or ecological value, but does include measures to minimise impact in terms ecological and biodiversity.

7.5 Wastewater Treatment:

7.5.1 The proposal entails the installation of a new wastewater treatment system and percolation area. The wastewater treatment system can cater for a commercial operation of up to 60 employees. The appeal site is underlain by a locally important aquifer with groundwater vulnerability identified as being moderate. The site characterisation submitted includes a trail hole test with a depth of 2.1m with the water table detected at 1.7m. The percolation test results include T tests for deep subsoils and/or water table by the standard method and P test for shallow soil/subsoils and/or water table by the standard method. The test results have yield percolation values that with the standards identified under EPA Code of Practice.

7.5.2 The appeal site despite being zoned for development is not serviced by public wastewater facilities and requires the provision of an individual wastewater treatment plant. The appeal site is occupied by an existing commercial operation and such is serviced by an existing wastewater treatment plant, which is to be replaced by the proposed. Having regard to the established nature of commercial development on site and to the results of the site characterisation, I would consider that the proposal is acceptable in the context of drainage and public health. I would note that provision

of a more technically advanced and up to date wastewater treatment system on a site on which there is an existing wastewater treatment system that has been in place for a considerable period of time is a benefit in terms of public health.

7.6 Adjoining Amenity:

7.6.1 There are existing dwelling on the opposite side of the road and a dwelling adjacent the north eastern corner of the site. The appeal site is zoned for commercial use and commercial use is already established and permitted use at this location. In terms of general disturbance and noise impact, the construction phase of the proposed development can be managed with appropriate construction management (preliminary Construction and Environmental Management Plan submitted) and in the event of grant of permission conditions requiring provision of Construction Management Plan should be attached. In terms of the operational phase the proposal entails a significant level of landscaping along the boundaries. The revised/approved proposal entailed omission of an external plant/display area. I would also recommend that a standard condition confining operation on site to noise emission limit values recommended by the EPA for industrial activities.

7.6.2 In terms of physical impact the response to further information included a daylight and sunlight assessment and shadow impact study. The study is based on the BRE guidelines and identifies that the structures on of a scale and distance relative to existing dwelling so as to not require further assessment for impact on daylight (VSC), sunlight (APSH). The impact of overshadowing is also not significant with the structures not excessive in scale and also set back from the boundaries of the site a sufficient amount. The proposed structures are also similar in scale to existing commercial structures at this location. I am satisfied that the proposed development has no significant or adverse physical impact on the amenity of any properties, residential or otherwise in the surrounding area.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend a grant of permission.

10.0 Reasons and Considerations

Having regard to the site's zoning objective E2 "to provide for light industrial and industrial office type employment in a high quality campus environment subject to the requirements of approved framework plans and the provision of necessary physical infrastructure", to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area and to the submissions and observations received, it is considered that, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in regards to traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 20th day of October, 2017, 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 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

4. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1800 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 property in the vicinity.

6.

(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the [residential] amenities of property in the vicinity of the site.

7. 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 –

(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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(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.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.

(ii) Details of screen planting [which shall not include cupressocyparis x leylandii]

(iii) Details of roadside/street planting [which shall not include prunus species]

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 property in the vicinity.

10. 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.

Reason: In the interest of sustainable waste management.

11. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer’s expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

12. 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, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

13. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

14. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

15.

(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" – Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

16. 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.

Colin McBride
Senior Planning Inspector

25th March 2022