



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315964-23

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<b>Development</b>	Construct side and rear extension to an existing commercial / retail development.
<b>Location</b>	Innplot, Oranmore, Co. Galway.
<b>Planning Authority</b>	Galway County Council.
<b>Planning Authority Reg. Ref.</b>	2261199.
<b>Applicant(s)</b>	Paul Miskella.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Paul Miskella.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	19 September 2023.
<b>Inspector</b>	Stephen Rhys Thomas.

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## 1.0 Site Location and Description

1.1. The appeal site is located within the town centre of Oranmore, at a mixed-use complex of multi-storey buildings and car parking (surface and basement). The site is located to the rear of an existing building and faces across a surface car park. The overall building is between one and three storeys in height. The position of the proposed extension is at the rear elevation of the building that comprises a roughcast render and standard window size. The ground floor of the rear of the building is made up of service entrances to the retail units to the front. A canalised watercourse runs along the eastern boundary of the overall lands.

## 2.0 Proposed Development

2.1. The proposed development is for a side and rear extension to an existing commercial/retail development, comprising:

- A ground floor retail unit, by the change of use of a storage area (103 sqm) to retail and new build of 89 sqm for circulation and storage.
- First, second and third floor extensions of 412 sqm each and in total 1,236 sqm.
- Additional car parking spaces, 13 in total as a result of reconfiguration of existing car parking areas and cycle parking stands.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for four reasons, summarised as follows:

- 1 Office (100m<sup>2</sup> to 1000m<sup>2</sup>) uses are not normally permitted on Town Centre zoned lands. Specific criteria set out under land use zoning GCMA 23 of Metropolitan Strategic Area Pan, would be materially contravened, the development is not an efficient use of town centre zoned lands. Objective GCMA 5 would also be materially contravened.

- 2 Impacts on European site(s) have not been adequately assessed. The Planning Authority considers that likely significant effects on the European sites cannot be screened out based on the hydrological connectivity and the absence of a flood risk assessment. This would materially contravene Policy Objective NHB1 and DM Standard 50.
- 3 The development fails to meet Standard DM 67 of the Galway County Development Plan 2022-2028 – Sustainable Drainage Systems, concern is expressed that the intensification of the site and increased vehicular use will result in regular contamination of surface water runoff.
- 4 A site/development specific flood risk assessment that states the subject site is not at risk of flooding in the future, was not prepared and so the development would materially contravene Policy Objective FL8.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The basis of the planning authority decision includes:

- Offices greater than 100 sqm not normally permitted in the Town Centre zoning. Development would be contrary to policy objectives GCMA 5 and GCMA 23.
- There are no car parking, traffic or water services issues.
- Flood Risk issues have not been identified by the applicant.
- AA issues not identified.
- Refuse permission.

### 3.2.2. Other Technical Reports

Roads – concerns raised about SuDS, surface water drainage, intensification of use and increase turning movements.

## 3.3. Prescribed Bodies

None.

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

A single submission with issues that regard surface water, nearby stream and designated sites.

## 4.0 **Planning History**

### 4.1. Site

PA ref 21/1455 – Permission for signage.

PA ref 21/526 – Permission for subdivision and change of use from commercial/retail to coffee shop.

PA ref 19/663 – Permission for change of use from Bar to commercial/retail.

Older permissions relate to other changes to use over time and the parent permission for the original scheme 02/4583 refers.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### **Galway County Development Plan 2022-2028**

The site is located on lands zoned C1 Town Centre in the Galway Metropolitan Area of Oranmore 2022-2028 Land Use Zoning Map. The objective of which is to provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic/community uses and to provide for “Living over the Shop” scheme Residential accommodation, or other ancillary residential accommodation, and described as to develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreation and civic uses.

#### **Volume 2 Metropolitan Area Strategic Plan**

Section 2.12 Metropolitan Settlement Oranmore

Office (100m<sup>2</sup> to 1000m<sup>2</sup>) is Open for Consideration (O) – A use that is classified as Open for Consideration is one that the Local Authority may permit where it is satisfied that the suggested form of development will be compatible with the policies and objectives for the zone, will not conflict with permitted uses and conforms to the proper planning and sustainable development of the area, including the policies and objectives set out in this plan.

Office Park (>1000m<sup>2</sup>) is Not Normally Permitted (N) – A use that is classified as Not Normally Permitted is one that, except in exceptional circumstances, will not be permitted by the Local Authority. This may be due to its perceived effect on existing and permitted uses, its incompatibility with the policies, objectives, standards and requirements contained in this plan or the fact that it may be inconsistent with the proper planning and sustainable development of the area.

Café is permitted in principle.

The site is also located within Flood Zone C of the Galway Metropolitan Area Oranmore Flood Risk Management Map.

Section 2.12 Metropolitan Settlement Oranmore, of Volume II of the Galway County Development Plan 2022-2028 sets out the planning policies and objectives for Oranmore.

Policy Objectives Oranmore (Oranmore Metropolitan Settlement Plan – OMSP) include the following:

OMSP 2 Sustainable Town Centre

OMSP 3 Business and Enterprise

OMSP 4 Business and Technology

OMSP 14 Environment and Heritage

GCMA 5 Town Centre Uses

GCMA 18 Flood Zones and Appropriate Land Uses (Refer to Flood maps for Baile Chláir, Bearna and Oranmore and the Urban Framework Plans for Briarhill and Garraun)

GCMA 23 Land Use Zoning Matrix

NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species

DM Standard 50 Environmental Assessments – AA, EclA, EIA

DM Standard 67 Sustainable Drainage Systems’ (SuDS)

FL 8 Flood Risk Assessment for Planning Applications and CFRAMS

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or directly adjacent to any Natura 2000 sites. There is a designed site located 100 metres to the west, the Galway Bay Complex SAC.

## 5.3. EIA

- 5.3.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that 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

- 6.1.1. A First-Party Appeal was submitted to An Bord Pleanála on the 2<sup>nd</sup> of March 2023 by the Applicant opposing the Planning Authority’s decision, the grounds of appeal can be summarised as follows:

- Refusal Reason 1 - The site is located on lands zoned C1 Town Centre, use for offices is open for consideration, retail is permitted in principle. There is no material contravention of the statutory plan. The development will attract employment and accord with section 2.13.3. of the Metropolitan Settlement Plan Oranmore (Volume II of the Development Plan), contribute to OMSP 2 and OMSP 3 as well. The development will expand current uses on site and enhance GCMA 5.

- Refusal Reason 2 – An AA Screening Report and FRA were not submitted with the application because it was not considered that an extension over an existing building would cause any issues. If the PA thought that issues might arise, then further information should have been submitted.

The development does not create any increase in area for surface water generation and so no need for additional management. No significant increase in hardstanding then there is no impact on site surface water runoff. The site is flood zone C. No ecological impact downstream.

- Refusal Reason 3 - No SuDS information was submitted with the application. Given the nature of the site and the proposed development, SuDS is not relevant, this is not a greenfield site, where rates must be reduced. Existing drainage systems will be used. There will be no layout change in terms of access and car parking spaces. Office space proposed will not generate HGV traffic and fuel spills are unlikely. In any case all of this information could have been sought by further information if necessary.
- Refusal Reason 4 – The site is in flood zone C, the proposed development is categorised as a less vulnerable development. The Development Plan does not automatically require a SFRA in all cases, but one could have been requested by way of further information.

6.1.2. The appeal is accompanied by the decision, planners report, all drawings, zoning maps, zoning matrix, Galway Metropolitan Area Oranmore Flood Risk Management Map (2022-2028) and SFRA, and a diagram to show footprint changes.

## 6.2. Planning Authority Response

6.2.1. None located on file.



## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues revolve around the reasons for refusal and can be dealt with under the following headings:

- Zoning
- Designated Sites and Flooding
- Surface Water Management and SuDS
- Flood Risk Assessment (FRA)
- Other Matters

### 7.2. Zoning

7.2.1. The planning authority refused permission on the basis that the site was located on Town Centre zoned lands and where office use (100 sqm -1,000 sqm) is not normally permitted. It is the opinion of the planning authority that the provision of 1,236 sqm of new office space would militate against the aims of the development plan and be an inefficient use of town centre zoned lands. The applicant points that the site is located on lands zoned C1 Town Centre and the zoning matrix indicates that office space is open for consideration and would meet the objectives of the statutory plan for the area.

7.2.2. For the sake of clarity, the site is situated on lands that are subject to the zoning objective C1 – Town Centre, in the Metropolitan Area Strategic Plan (MASP), Volume II of the County Development Plan. The proposal is to provide office space greater than 1,000 sqm and so would not normally be permitted on lands zoned C1, save for exceptional circumstances. The applicant has listed out relevant policies and objectives contained in the MASP that would support their scheme to increase and improve office space at an existing mixed use development and they include: OMSP 2 Sustainable Town Centre, OMSP 3 Business and Enterprise, OMSP 4 Business and Technology and OMSP 14 Environment and Heritage. I agree all of these objectives are relevant to the proposed development and I see no conflict between the land use zoning and the supporting objectives in the statutory plan for the area. The question arises as to whether this is an exceptional circumstance and

will there be adverse effects upon existing and permitted uses, incompatibility with the policies, objectives, standards and requirements contained in the plan or the fact that it may be inconsistent with the proper planning and sustainable development of the area.

- 7.2.3. In reality, the site forms part of an existing mixed-use building in the centre of Oranmore. No scale or design issues are raised and the development will effectively finish off a rear façade. The scale of office development will increase employment opportunities in the town centre and this is to be encouraged. The MASP seeks the concentration and provision of employment across the Town Centre, Mixed Use/Commercial, Business and Technology, Business and Enterprise and Industrial zonings. Specifically, I am guided by OMSP 3 Business and Enterprise part b, that seeks to protect and enhance the vitality and viability of the centre by ensuring that it remains the primary retail, commercial and mixed-use centre in Oranmore and prohibiting a proliferation of any individual use or other uses. It is my opinion that the addition of 1,236 sqm of office space as an expansion to an existing mixed use building in the centre of Oranmore would be in the best interests of sustainable development. Additional office space at a quantum slightly above what would be considered open for consideration is appropriate in this instance and would not adversely affect the vitality and viability of the town centre. On the contrary, additional office space at the centre of the town is an utterly sensible location that adds critical mass to support other retail and service businesses in the town centre and so assist with the sustainable growth of Oranmore. The proposed development meets all of the sustainable planning objectives for the town centre set out in the MASP and I see no reason to refuse development that achieves the aims sought by the plan.

### **7.3. Designated Sites and Flooding**

- 7.3.1. The second reason for refusal involves uncertainty on the part of the planning authority (PA) about the likely significant impacts to nearby designated sites, because there is a hydrological connection via an adjacent watercourse. The planning authority are concerned that not enough information about the designated sites and the potential for flood risk are on the file to allow a screening exercise to take place. It is highlighted that policy objective NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species, requires the protection and

where possible enhancement of designated sites. In addition, the PA state that DM Standard 50: Environmental Assessments is materially contravened. An observer raised issues to do with designated sites and surface water management of the subject site but has not made any submission to this appeal.

- 7.3.2. The applicant responds by stating that given the scale and characteristics of the development an AA Screening Report was not submitted and nor was a Flood Risk Assessment. The applicant explains that the proposed extensions will not significantly increase surface water flows and because the site is not located in flood zone A or B, no FRA was submitted. However, the applicant points out that this information could easily have been requested by the PA and hence they would have received all the information that they might require. In part I agree, the issues contained in the second reason for refusal are not matters that would materially contravene the development plan, the applicant did not wilfully set out to omit information from the planning application that the PA might deem necessary during the planning process. After all, the PA could have requested information about designated sites and Flood Risk Assessment to be submitted if they so desired, but they did not.
- 7.3.3. Appropriate Assessment (AA) – For development of this scale and design, being an extension to an existing mixed use building on a site entirely built over with a multi-storey building, surface car parking, access lanes and underground car parking, all located in an urban and serviced area would not generally require a detailed level of information to determine if it may impact (directly and indirectly), or in combination with other projects, a Natura 2000 designated site. In many urban settings such as the appeal site, it is often the case that reliance is placed on existing infrastructure the likelihood of significant impacts to a designated site can be dismissed. In this instance, the site is located close to the Galway Bay Complex SAC and a watercourse (canalised) runs along the wider site's eastern boundary. The appeal site itself is contained within a red line boundary that details the extent of the proposed extensions being that to the building alone.
- 7.3.4. The PA considered that there was not enough information about the proposal that would allow them to screen out the development for the purposes of AA. In my view and in practice, it would be unreasonable and unnecessary to require the submission of a detailed AA Screening Report for what is a fairly standard development proposal

in a serviced urban area such as Oranmore town centre. I am guided by the development plan and specifically policy objective NHB 1 and DM 50 that seek to protect and enhance designated sites and the requirement to prepare reports for all development is not explicitly stated. DM 50 states that Screening for Appropriate Assessment and/or Appropriate Assessment will be required with all applications where it is considered that the proposed development may impact a Natura 2000 designated site.

7.3.5. The applicant explains that the proposed extensions do not increase the overall area of hardstanding, and there is no need to screen development where they consider that no impact is likely to result. In this respect, some balance and sense of proportion must be applied against the scale and use of development versus the likelihood of any significant impacts. In this regard, the subject site is located approximately 100 metres to the west of the Galway Bay Complex SAC and there are streets and buildings in between. There is no direct connection between the site and a canalised watercourse that runs along the boundary of the overall lands. The proposed development comprises a minor ground floor extension and a larger but not out of character extension over the existing ground floor of a mixed use building on a town centre site. The site has been developed as a mixed use town centre facility for some time and includes existing surface and foul water infrastructure. The pattern of use may change, insofar as more people will be employed here, but the service and infrastructure characteristics of the site will not change to any perceptible degree. Having regard to the nature and scale of the proposed development within a serviced urban area and the distance from 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.

7.3.6. Moreover, the omission of an AA Screening Report and Flood Risk Assessment would not by itself materially contravene the development plan. I consider that the submission of such reports would not ordinarily be required for an extension to a mixed use building when it is apparent that there is no likelihood of significant effects to a European Site.

#### 7.4. **Surface Water Management and Sustainable Drainage Systems (SuDS)**

- 7.4.1. The third reason for refusal relates to DM 67 Sustainable Drainage Systems (SuDS) and the lack of information on file with respect to same. In addition, the intensification of use now proposed for the site might result in a higher risk of surface water contamination because of heavy goods fuel spillage. The applicant refutes the position taken by the planning authority and asserts that SuDS is irrelevant in this instance. The applicant goes on to point out that the entire area of the appeal site is built over and that there will be no increase in surface water rates or volumes. Finally, the applicant explains that the opportunities for more people to be employed in the building will increase, there will not be a similar increase in heavy goods vehicles other than at construction phase.
- 7.4.2. I refer back to the characteristics of the proposed development, and this is simply to marginally extend the building footprint and add upper floors over a single storey ground floor. The development already has surface water management systems in place as originally design and permitted by the planning authority. I accept that DM 67 requires all new developments (including amendments / extensions to existing developments) to incorporate 'Sustainable Urban Drainage Systems' (SuDS) as part of the development/design proposals. This is information that could have been sought by the planning authority during the planning application process. Despite the applicant's dismissal of the need for SuDS as part of this proposal, I can see the advantage of taking every opportunity to implement SuDS in all new development. In this instance the usefulness of incorporating any kind of SuDS measure, other than a green roof for example, would be minimal. With that in mind and the applicant's willingness to consider the matter further, I am satisfied that an appropriately worded condition would explore the opportunity for green roofs or other attenuation features in the proposed extension.
- 7.4.3. With reference to the potential for an increase of traffic movements, fuel spillage from heavy goods and other vehicles, leading to an impact on the environment, again this information could have been sought from the applicant. The applicant points out that there is no change to the road layout, drainage infrastructure remains the same and that the construction phase can be managed and controlled. I agree, it seems heavy handed to refuse permission on the basis of the potential for changes if not known. It is highly likely that during the construction phase, there will be an increase in construction traffic, but this can be monitored by a traffic management

and construction management plan, a condition could be attached. In terms of the operational phase, again it is likely that more cars will journey to the site but I would hope that a mobility management plan (MMP) could be put in place to assist with the shift to more sustainable forms of transport. In that regard, a suitably worded condition should require the submission of an MMP to be agreed with the planning authority. In summary, I am satisfied that some SuDS features could be designed in prior to construction and that there is a very limited potential for risk from fuel spillages if a proper construction management plan is put in place.

## **7.5. Flood Risk Assessment (FRA)**

- 7.5.1. The fourth and last reason for refusal issued by the planning authority refers to flood risk, the potential for displacement and because an FRA was not submitted permission should be refused, policy objective FL 8 refers. The applicant accepts that an FRA was not submitted and this is because the site is located on flood zone C, the Strategic Flood Risk Assessment as an appendix of the development plan refers. The applicant goes on to explain in detail that there is no significant increase in hard standing and so no increase in surface water flow/rates and consequently no heightened flood risk. Reference is specifically made to GCMA 18 of the MASP, and when an FRA would ordinarily be required.
- 7.5.2. Flood Risk is a significant planning concern and the planning authority are right to consider flood risk issues. However, the applicant has laid out the facts of the site and the characteristics of the proposed development. Policy objective FL 8 states that Site-specific Flood Risk Assessment (FRA) is required for all planning applications in areas at elevated risk of flooding, the appeal site is not located in such a zone. The maps contained in the development plan confirm that the site is located in indicative flood zone C, GMA Oranmore 2022-2028, flood risk management map refers. That being so, there is no compulsion on the applicant to prepare an FRA, especially given the nature of the site, entirely built over at present, and the scale and design of the extensions proposed. I am satisfied that in this instance it would be unreasonable and unnecessary to require the preparation of an FRA when there is little evidence to trigger its need.
- 7.5.3. The applicant also points to GCMA 18 of the MASP, that states for development in flood zone C, having regard to the scale of development, the PA could require a site-

specific flood risk assessment if there would a creation of significant areas of new hard standing which could significantly increase run-off. This is not the case; hardstanding already exists on site and the existing surface water management regime will be availed of. If the planning authority were so concerned about the lack of flood risk data and the flooding risk posed by the proposed development, then they should have requested the preparation of a site-specific flood risk assessment, they did not. In any case, I am satisfied that the proposed development will not lead to any significant increase in flood risk because the area of hardstanding will not be increased, the site is located on indicative flood zone C and existing surface water management systems on site are to be relied upon.

- 7.5.4. I am satisfied that the proposed development would assist the vision of the MASP to create well-planned communities, where travel distances to education, work and services are reduced. Specifically, I note that a stage 2 Flood Risk Assessment has been carried out on the Oranmore settlement plan and this identified areas at risk of flooding, including fluvial, coastal, pluvial and groundwater flooding. The appeal site is well located, not at risk from or to flooding and permission should be granted.

## 7.6. **Other Matters**

- 7.6.1. The planning authority did not raise any other issues with respect to the proposed development. In terms of the scale and design of the extensions proposed no areas of concern were raised. From my perspective, the scale and design of the proposed development is acceptable and will not result in any adverse amenity impacts to neighbouring development in this town centre location. The nearest residential development is located almost 100 metres to the south east at the An Fuarán estate and other commercial premises lie between 35 and 80 metres to the south and south west. The site is well located within the town centre and comprises a modest extension to an existing mixed use building, I anticipate no residential amenity impacts to arise from the development as proposed.

## 8.0 **Recommendation**

- 8.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the C1 - Town Centre zoning, the provisions of the Galway County Development Plan 2022 -2028, the Metropolitan Area Strategic Plan and the Metropolitan Settlement Oranmore contained in Volume 2 of the county plan, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 2<sup>nd</sup> day of March 2023, 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. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the



development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport

3. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interests of clarity and public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed extensions shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority a detailed surface water design proposal that incorporates an element of Sustainable Urban Drainage System measures if feasible, such a report and/or drawings shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

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

Thereafter, the waste shall be managed in accordance with the agreed plan.

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

7. 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.

8. The construction of the development shall be managed in accordance with a Construction and Traffic 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:

(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;

(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;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(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.

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.

Reason: In the interest of amenities, public health and safety.

9. 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.

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

10. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Stephen Rhys Thomas  
Senior Planning Inspector

10 October 2023