



## Board Direction

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**Ref: 06F.246453**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16<sup>th</sup>, August 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the reasons and considerations and subject to the conditions as set out below.

### **REASONS AND CONSIDERATIONS.**

The majority of the site of the proposed development is zoned 'RA' in the Fingal County Development Plan 2011 – 2017. The stated objective of which zoning objective is *'to provide for new residential communities in accordance with approved local area plans and subject to the provision of necessary social and physical infrastructure'*. The entire site is also located within the area of the Oldtown/Mooretown Local Area Plan 2010. Having regard to this zoning objective, the nature and scale of the proposed development and to the character and pattern of existing and permitted development in the vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or other amenities of the area surrounding area, would not be prejudicial to public health, would not pose an unacceptable flood risk, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

The Board accepted and adopted the Planning Inspector's analysis in relation to Appropriate Assessment screening and concurred with her conclusions. The Board considered that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any European site in particular the Malahide Estuary SAC (Site Code No. 0205) or the Malahide Estuary SPA (Site Code 4025) in view of the site's conservation objectives.

## 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 lodged with the planning authority on 22nd January, 2016 and 2<sup>nd</sup>, February 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development shall be amended to provide for a total of 172 dwelling units only, a crèche and open space facilities as follows:-
  - (a) Proposed Block A4 (units No. 198-204 inclusive), Block A1 (Units Nos 205-210 inclusive), Block C1 (Units No. 211-229 inclusive), Block A5 (Units No. 230-235 inclusive), Block A4 (Units No. 236-242 inclusive), Block C2 (Units No. 243-261 inclusive) Block B (Units No. 180-197 inclusive), Units No. 117, 118 and 119 together with the proposed gate lodge duplex (Unit No. 179) and the proposed crèche as indicated on Drawing No. 1432 P 05 (Site Layout – Taking-in-Charge) received by the planning authority on 22<sup>nd</sup>, January 2016 shall be omitted in their entirety and the lands retained free of development and utilised as public open space with associated pedestrian and cycle linkages.
  - (b) Dwelling Units Nos. 109-111 inclusive as indicated on Drawing No. 1432 P 05 (Site Layout – Taking-in-Charge) lodged with the planning authority on 22<sup>nd</sup>, January 2016 shall be omitted and substituted with a crèche facility incorporating outdoor play facilities and set down and collection areas. The crèche facility shall be in accordance with the recommendations set out in, "*Childcare Facilities, Guidelines for Planning Authorities*" issued by the Department of the Environment in 2001.

- (c) Road No 1.0 shall be amended so that it terminates at the junction with Road 3.6 (as indicated on Site Layout Drawing No. 1432 P04 (1 of 2) lodged with the planning authority on 21<sup>st</sup>, August 2015)

Prior to the commencement of development the applicant shall submit for the written agreement of the planning authority revised site layout plans indicating the above modifications together with floor plan, section and elevation drawings for the crèche facility.

**Reason:** To ensure consistency with the Oldtown Mooretown Local Area Plan, 2010, national policy for provision for childcare facilities, public amenity and the proper planning and sustainable development of the area.

- 3. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority full design details for the proposed pedestrian linkage between the development at Road 3.4 (as indicated on Site Layout Drawing No. 1432 P04 (1 of 2) lodged with the planning authority on 21<sup>st</sup>, August 2015) and the existing residential development adjoining the eastern boundary of the site.

**Reason:** In the interest of clarity, appropriate permeability and the interests of the proper planning and sustainable development of the area.

- 4. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority a time frame for the implementation of the works required under Section 4 – ‘Phasing and Implementation’ of the Oldtown Mooretown Local Area Plan to include time and mechanism for delivery of upgrade works at Rathbeale Road/Murrough Road Junction and Castlegrange junction.

**Reason:** To ensure consistency with the Oldtown/Mooretown Local Area Plan, 2010 and the interests of the proper planning and sustainable development of the area.

- 5. Std. Cables and Reason

- 6. Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall include the following:

- (a). Prior to construction works, the proposed wetlands to discharge to the Broad Meadow River shall be completed and commissioned in accordance with the requirements of the planning authority.

- (b) The final design of attenuation and detention arrangements shall be submitted to and agreed in writing with the planning authority and shall include the finished levels, gradients, boundary treatment and planting if applicable.

**Reason:** In the interest of public health and orderly development.

- 7. Prior to the commencement of the development the applicant shall submit to the planning authority confirmation in writing of availability of sufficient capacity following upgrade works at Swords Treatment Plant and confirmation of a connection agreement for connection directly or indirectly to the wastewater network and public water supply.

**Reason:** In the interest of public health, orderly development and the availability of adequate services infrastructure facilities.

- 8. Details of the materials and finishes including textures and colours for the external facades, roof materials and boundary walls for of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

**Reason:** In the interest of visual amenity and clarity.

- 9. Proposals for a naming and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements marketing signage relating to the naming scheme for development shall be erected until the developer has obtained the planning authority's written agreement.

**Reason:** In the interests of orderly development

- 10. Public lighting shall be provided in accordance with a scheme, to 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 commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

- 11. Std. CDMP (incl. hours of construction)

12. Details for public open space provision and landscaping details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development and shall include provision for the following requirements:

- (a) design, layout and time frame details for the delivery of Class 1 open space open space to include a schedule of works;
- (b) Detailed proposals for play areas which shall be made available for use prior to the occupation of the development;
- (c) Full details of landscaping for Class 2 public open space and incidental public spaces inclusive of specifications and schedules for planting, lighting, fixtures and seating and boundary treatment where applicable.

**Reason:** In the interest of visual amenity and the residential amenities of future occupants.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and,
- (b) implement in entirety the Remedial and Reductive measures set out in section 13.6 of the Addendum Environmental Impact Report submitted with the application on 21<sup>st</sup> August, 2015 and shall submit report, containing the results of the assessment, to the planning authority for written agreement prior to construction.

**Reason:** In the interest of protection and preservation of order to conserve the archaeological heritage of the area.

14 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

15 Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of €688,000.00 or
- (b) a cash sum of € 430,000.00 to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction.
- (c) Such other security as may be accepted in writing by the planning authority

**Reason:** To ensure the satisfactory completion of the development.

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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

17. Std S. 48(2)(c) (unspecified – in lieu of public open space provision)

Board Member: \_\_\_\_\_ Date: 17<sup>th</sup>, August 2016  
Paddy Keogh

**Note:** (1) The Board concurred with the view of the planning authority and did not accept the Planning Inspector's analysis in respect of the payment of a financial contribution in lieu of public open space provision to serve the proposed development. In this regard, the Board considered it appropriate to attach a financial contribution (unspecified) pursuant to S. 48(2)(c) of the Planning and Development Act, 2000.

(2) The Board concurred with the view of the Planning Authority and the Planning Inspector that it would be appropriate to provide for connectivity between the proposed development and the existing development at Ashton

Grove. The Board considered that the provision of such connectivity complies with national policy (DMURS) and Development Plan policy which encourage and promote the provision of such connectivity.

*[Please issue a copy of the Board Direction with the Board Order]*