



An
Bord
Pleanála

Board Direction
BD-006041-20
ABP-306583-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/07/2020.

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

Reasons and Considerations

In coming to its decision the Board had regard to the following:

- a) the site's location close to the established settlement of Shankill village
- b) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016 - 2022,
- c) the policies and objectives set out in the Shanganagh Woodbrook Local Area Plan 2017 – 2023,
- d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- f) the Design Manual for Urban Roads and Streets (DMURS), 2013
- g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018

- i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- j) the nature, scale and design of the proposed development,
- k) the availability in the area of a wide range of social, community and transport infrastructure,
- l) the pattern of existing and permitted development in the area,
- m) the planning history within the area,
- n) the submissions and observations received, and
- o) the report of the Inspector

Appropriate Assessment Screening

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European sites:

- Ballyman Glen SAC [000713] is c.2.7km south-west
- Rockabill to Dalkey Island SAC [003000] is 3.1km north-east
- Bray Head SAC [000714] is 3.7km south-east
- Knocksink Woods SAC [000725] is 4.3km south-west
- Dalkey Islands SPA [004172] is c.5.2km north-east
- Wicklow Mountains SAC [002122] is c. 7.1km south-west
- Wicklow Mountains SPA [004040] is c.7.4km south-west
- South Dublin Bay and River Tolka Estuary SPA [004024] is c.8km north
- South Dublin Bay SAC [000210] is c.8km north

- Glen of the Downs SAC [000719] is c.9km south
- Carriggower Bog SAC [000716] is c.12.9km south-west
- The Murrough Wetlands SAC [002249] is c.13.1km south-east
- North Bull Island SPA [004006] is c.13.4km north
- North Dublin Bay SAC [000206] is c.13.4km north
- The Murrough SPA [004186] is c.14.1km south-east

in the light of their conservation objectives, having regard to the nature of the proposed development and the distances from the site to these European sites.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- The nature, scale, location and extent of the proposed development;
- The Environmental Impact Assessment Report and associated documentation submitted with the application;
- The submissions from the objectors and the prescribed bodies in the course of the application; and
- The Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the schedule of Mitigation Measures in Chapter 19 of the EIAR, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

Reasoned Conclusion on Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- **Population and Human Health:** There will be a slight to moderate nuisance impact during construction which will be mitigated by measures described in the outline Construction Management Plan and the production of a Construction Environmental Management Plan. During operation the development of additional housing will result in a positive impact. There will be no significant cumulative impact on air quality or climate associated with the operational phase of the development to significantly impact on human health.
- **Air Quality:** During the construction phase there is potential for dust emissions from earthworks and construction activities. A number of mitigation measures are set out to control potential impacts during the construction phase. A Construction Environmental Management Plan will be prepared prior to the construction of the development. There will not be an unacceptable impact cumulatively with other developments in existence or permitted in the area during operation.
- **Architectural Heritage:** There will be an impact on the setting of the castle as the development is to be located in the castle grounds. This impact will be mitigated due to the design of the proposal, the repair of the Cockburn Monument, inclusion of protective measures for the ornamental pond and historic woodland and the emphasis on the crescent approach to the castle.

- **Traffic and Transport:** Potential traffic impacts during both the construction and operational phase will largely be mitigated through the implementation of a Construction Traffic Management Plan and monitoring provided for in the Travel Plan.
- **Visual Impact:** The development will present as a new development in the landscape. There will also be changed views for some viewers in the short to middle distance. A significant alteration in landscape character will occur at the site. The potential impact will be mitigated by the design and landscape strategy and screening.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Conclusion on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. 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 any mitigation measures set out in the Environmental Impact Assessment Report or any conditions of this Approval require further details to be prepared by or on behalf of the Local Authority, these details shall be placed on the file and retained as part of the public record.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation measures and monitoring commitments identified in Chapter 19 of the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions. Prior to commencement of the development, details of a time schedule for implementation of the mitigation measures and associated monitoring shall be prepared by the Local Authority and placed on the file and retained as part of the public record.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. Prior to the commencement of development, Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall prepare in consultation with the relevant statutory agencies, a Final Construction Environmental Management Plan (CEMP), that adheres to best practice environmental management. The CEMP shall include the appointment of a full-time liaison officer and specific proposals for monitoring of the effectiveness of the environmental management measures outlined in the CEMP and shall be placed on the file and retained as part of the public record.

Reason: In the interest of protecting the environment, and in the interest of sustainable development and proper planning.

4. During construction stage, any site operation (including hydrological and geotechnical investigations) associated with the proposed scheme shall be subject to full time archaeological monitoring by a suitably qualified archaeologist under licence from the Department of Culture, Heritage and the Gaeltacht. Provision shall be made available for the resolution of any archaeological features or deposits that may be identified.

Reason: To conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site

5. Prior to commencement of development, Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health

6. Standard SHD EV condition. 10% of communal car spaces etc.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

7. Prior to commencement of development Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall liaise with the National Transport Authority regarding the design of the site access and external road including bus infrastructure.

Reason: In the interest of proper planning and sustainable development

8. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species

Reason: In the interests of amenity, ecology and sustainable development

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

10. 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 placed on the file and retained as part of the public record 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.

11. Prior to the commencement of any works on site, Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall ascertain and comply with all requirements of Inland Fisheries Ireland in relation to this development.

Reason: In the interest of protecting the environment, and in the interest of sustainable development and proper planning.

12. The crèche shall be developed as part of the first phase of construction

Reason: In the interest of sustainable development

13. 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.

14. Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works. The Landscape Consultant shall be engaged to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape

Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority to be placed on the public file, as verification that the approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

15. The development hereby permitted shall be for build to rent units (where specified) which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

16. Prior to the commencement of development, the Local Authority shall place on the public file details of a proposed covenant or legal agreement which confirms that the development of the Build-to-Rent units hereby permitted shall remain owned and operated by the Local Authority or any agent acting on its behalf for a minimum period of not less than fifteen years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.

Reason: In the interests of proper planning and sustainable development of the area.

17. Prior to expiration of the fifteen-year period referred to in the covenant, the Local Authority shall place on the public file, ownership details and management structures proposed for the continued operation of the development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

Board Member

Date: 02/07/2020

Paul Hyde