



An
Bord
Pleanála

Board Direction
BD-007812-21
ABP-309026-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/04/2021.

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 location of the site in the established suburban area of Dún Laoghaire-Rathdown in an area zoned for residential (under Objective A 'To protect and / or improve residential amenity');
- (b) the policies and objectives of the Dún Laoghaire-Rathdown Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;

- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) The nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area;
- (k) The planning history of the site and within the area;
- (l) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (m) The submissions and observations received;
- (n) The Chief Executive Report from the Planning Authority and specifically the recommended reasons for refusal; and
- (o) The report of the inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

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

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the Planning Authority, the observers and prescribed bodies in the course of the application,
- (d) 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 Environmental Impact Assessment Report 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 (with the exception of some of the Inspectors conclusions regarding Landscape and Visual Impacts).

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

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 - positive impacts from economic impact during both construction and operational phases, as well as on land use and settlement patterns, housing stock in the area, employment and social patterns. Implementation of a Construction and Environmental Management Plan will limit any likely adverse environmental impacts on population and human health during the construction phase.

Archaeology and cultural heritage - mitigation measures include archaeological test trenching, monitoring and recording. With the application of this mitigation there is no predicted residual impact to the archaeological and cultural heritage resource by the propose development, and effects will be neutral and imperceptible.

Biodiversity - no evidence of any protected mammal species on the site, however a number of protected species could potentially use the site for foraging and commuting purposes (including bat, otter and badger). Mitigation measures are outlined in the EIAR in relation to reducing or avoiding potential impact upon biodiversity. This includes protection measures for trees identified for retention, implementation of management measures through a Construction and Environmental Management Plan, precaution measures during site clearance in case of the discovery of protected species, use of appropriate lighting, incorporation of bat and bird boxes, and undertaking of works in line with best practice ecology advice. With the measures to protect habitats, enhancement measures and protection measures for bats, otter and birds, no residual impact to any Key Ecological Receptors would follow completion of the proposed development.

Landscape and visual impacts - there are elevated vantage points across the whole of Dublin City from the Dublin Mountains to the south. Most views have a low sensitivity to the proposed development, though glimpsed public views to the Dublin Mountains are considered moderately sensitive. The proposed development also incorporates varied heights that transition the scale to surrounding areas as a means of mitigating the impact.

Soil, geology, hydrogeology, surface water, water infrastructure or flood risk - with the implementation of mitigation through management measures in the Construction and Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters to public sewerage, the proposed development will not give rise to any significant long-term adverse impacts upon.

Air Quality - the greatest impact will be during the construction phase from dust emissions. This will be short-term and mitigated through implementation of dust management measures described in a site specific Construction and Environmental Management Plan.

Noise - the main impact from would be during construction phase, which will be temporary, and mitigated through management measures described in a site specific Construction and Environmental Management Plan to limit potential impact.

Wind - mitigation is incorporated into the design of buildings, use of screens to terrace areas and through the landscaping scheme for the site. These features reduce or avoid impacts, with all areas shown to be compliant with thresholds to demonstrate adequate comfort.

Material Assets - mitigation measures follow implementation of a Construction and Demolition Waste Management Plan and Operational Waste Management Plan. Management measures will also follow implementation of a Construction and Environmental Management Plan. As a result, there are no predicted significant residual impacts expected to occur upon the material assets examined during either construction or operational phases.

Transportation - mitigation measures are identified to off-set the additional local demand that the proposed development could generate as a result of increased vehicle movements. This is described in the Mobility Management Plan, with incorporation of reduced car parking and with the implementation of new infrastructure, including new pedestrian and cycle crossings and routes.

In not accepting the inspectors recommendation to reduce the height of the proposed development by 4 storeys the Board agreed with the inspectors analysis that the proposed height of the development would have a visual impact however it did not accept that a reduction of 4 storeys was warranted or necessary and that the site and wider context could absorb the proposed height satisfactorily.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height, scale, mass, 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. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority and particularly the recommended reason for refusal, which was addressed in detail in the Inspector's Report. It was considered that the height, scale and mass of the development would have an acceptable impact. Cognisant of the Planning

Authority's recommended reason for refusal, the Board concluded that the development would not result in undue overlooking of adjacent sites. The Board concluded that the height, scale and mass of the proposed development would be appropriate.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dún Laoghaire-Rathdown Development Plan 2016-2022 in relation to mix and building height, and the Ballyogan and Environs Local Area Plan 2019-2025 in relation to Density. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Development Plan and Local Area Plan would be justified for the following reasons and consideration.

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

Permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives

13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines. The development also accords with national planning policy under Section 28 guidelines in relation to unit mix and density, specifically SPPR 1 and criteria relating to higher density development in the Apartment Guidelines.

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 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) Removal of the cantilever in Block A1 overhanging the route in the south west corner of the site.

(b) A revised Taking in Charge Plan to meet the design specifications of the planning authority.

(c) A typical detail cross section of ground floor residential accommodation, illustrating a minimum 2.7 metre floor to ceiling height in habitable rooms.

(d) Details of a basement bin store area for residents, to be located proximate to the core for Block B and sized accordingly for residents within the block.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 'Summary of Mitigation and Monitoring Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. With respect to residential units in blocks facing onto the motorway: Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the future residential amenities of occupiers of the development in the vicinity of a motorway.

5. (a) Prior to commencement of development, all trees which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

- (c) Excavations in preparation for foundations and drainage shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected, and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained adjacent to the site unless otherwise agreed with the planning authority.
- (e) All engineering works, service lines and pathways shall be compatible with tree and root protection measures, with details amended if required.
- (f) Shrubs and trees identified for removal from the site, shall only take place outside of main bird nesting season (1st September to 28th February).
- (g) Felling of mature trees (identified for removal) on the site which might harbour bat roosts shall only take place in September or October where bat roost and bat activity surveys of such trees have been carried out before any felling takes place.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

6. The landscaping works as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. 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 or until the development is taken in charge by the local authority, whichever is the sooner, 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.

7. Site development and building works shall be carried out only between the hours of 0700 and 1900 Monday to Friday inclusive, 0800 to 1400 Saturdays and no works on Sundays and public holidays, unless otherwise agreed in writing with the planning authority. Any noisy construction works such as pile driving, rock breaking to take place between the hours of 0900 and 1700 Monday to Friday. 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.

8. The construction of the development shall be managed in accordance with a Final Construction and Environmental 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 compound(s) including area(s) identified for the storage of construction refuse,
- (b) Location of areas for construction site offices and staff facilities,
- (c) Details of site security fencing and hoardings,
- (d) Details of on-site car parking facilities for site workers during the course of construction,
- (e) Details of 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,
- (f) Measures to obviate queuing of construction traffic on the adjoining road network,
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) Provision of parking for existing properties if required during the construction period,

- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) Containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (l) Off-site disposal of construction and demolition waste and details of how it is proposed to manage excavated soil,
- (m) Means to ensure that surface water runoff is controlled such that no silt or other pollutants enter local surface water sewers, drains or watercourses,
- (n) The owner shall enter into an annual maintenance contract in respect of the efficient operation of the petrol and oil interceptor and silt traps,
- (o) Maintenance of an exclusion zone along Glenamuck and Golf Stream,
- (p) Measures to protect water during construction as outlined in the Environmental Impact Assessment Report,
- (q) Monitoring of silt levels in surface waters upstream and downstream of the site with a written log of monitoring available for inspection,
- (r) Method statement in agreement with Inland Fisheries Ireland for the installation of the outfalls culverts and any crossings of the watercourse on site,
- (s) A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

9. 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 including excavation works. 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.

10. 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 for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Details shall also be submitted for planning authority approval, of green roof design and all other Sustainable Drainage System measures, including bioswales, filter drains and raingardens, all to be designed in accordance with The Sustainable Drainage System Manual (C753).

Upon Completion of the development, a Stage 3 - Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Thereafter, all agreed details, green roofs and Sustainable Drainage System measures, shall be maintained in accordance with an agreed post construction maintenance specification and schedule.

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

11. Prior to the commencement of the development, the developer shall submit to the planning authority for its written agreement proposals for the implementation of Mitigation measures identified in the approved Site Specific Flood Risk Assessment for the application.

Reason: In the interest of public health.

12. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

13. Prior to commencement of development, land required by the planning authority for the future Kiltarnan Link Road to the southeast boundary of the site as indicated in the lodged documentation shall be reserved for implementation of the road. Plans and particulars illustrating compatibility with the future Kiltarnan Link Road shall be submitted to and agreed in writing the planning authority. Details shall include details of the road reservation area, construction of temporary footpaths, future permanent vehicular entrance and the boundary treatment. Future purchasers shall be made aware of agreed details at the point of sale and the developer shall ensure that the Kiltarnan Link Road Reservation line is set out by the contractor and agreed with the planning authority.

Reason: In the interest of traffic safety and to prevent the development of this area prior to its use for future road improvements.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

15. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. Landscape details shall include final boundary treatments for the development.

Reason: In the interests of residential and visual amenity

16. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

17. The internal road network serving the proposed development, including turning bays, junctions, parking areas, cycle routes, footpaths and kerbs and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of amenity and of traffic and pedestrian safety.

18. Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns 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 carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Street Interim Advice Note – Covid Pandemic Response May 2020. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

19. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations and points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points and stations at a later date. Where proposals relating to the installation of Electric Vehicle ducting and charging stations and points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development. Seven number car club vehicle spaces shall also be provided as part of the completed development.

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

20. (a) The basement parking areas shall comply with Dún Laoghaire-Rathdown County Council requirements. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Residential spaces as approved, shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

21. Provision shall be made for the following prior to occupation of the development:

- (a) Glenamuck Road Toucan crossing and Pedestrian Cycle Link (Ballyogan and Environs Local Area Plan Link Number 27) in accordance with National Cycle Manual and Design Manual for Urban Roads and Streets,
- (b) Glenamuck Road interface with the pedestrian cyclist bridges,
- (c) Golf Lane interim temporary vehicular access and future permanent access with the Kiltarnan Link Road in place,
- (d) Golf Lane uncontrolled crossing,
- (e) Works required to make good alterations to the surrounding public highway,
- (f) Implementation of the recommendations and alternative measures described in the submitted Preliminary Quality Audit Feedback Form, to be detailed in Stage 2 and Stage 3 Quality Audit,
- (g) Vehicle manoeuvres for refuse collection, emergency vehicles, delivery, collection and Electricity Supply Board substation access.

Details of such provision, including construction and demarcation at the developers expense, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

22. Public lighting shall be provided in accordance with a scheme, and 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 or installation of lighting. Lighting shall have reduced intensity during periods in accordance with the advice of a bat specialist. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity, public safety and bat conservation.

23. Comprehensive details of the proposed telecommunications mitigation required as a result of the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. In the event that installation of a hop site or any other equipment on the roof of the development is required as part of telecommunications mitigation, provision of screening shall be required to mitigate the visual impact of this. Full details of the appearance, material finish and size of screens shall be provided to the planning authority for approval prior to installation of the any roof level telecommunications mitigation (if required). The agreed telecommunication mitigation measure(s) (along with any associated screening) shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

24. 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. With the exception of any telecommunications mitigation measure(s) and associated screening required in conjunction with Condition Number 23 of this consent.

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

25. 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) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and National Monuments Services. Arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including, if necessary, archaeological excavation prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

26. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

27. Prior to commencement of development, the developer 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála 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 of the area.

28. Proposals for an estate and street name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

29. No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

31. 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.

32. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood’ in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 (refer to SCSi Price Tender Index) 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Note: In deciding not to accept the inspectors recommendation to remove 4 floors through the centre of Block B0 (floors 7, 8, 9 and 10) to create maximum heights of 14, 17 and 18 storeys, the Board was satisfied that the proposed heights as submitted, having regard to the location of the proposed development adjacent to a high frequency public transport corridor, the M50 and the adjoining permitted and existing residential and mixed use developments would be in accordance with the Development Management Principles in section 3.1 and the Development Management criteria set out in section 3.2 of the Urban Development and building height Guidelines 2018. The Board considered that the 22 storeys proposed was appropriate for a landmark building adjacent to the M50 motorway at a key junction to an emerging retail / mixed use and residential area in the Carrickmines/ Glenamuck Road area. Furthermore, the Board was satisfied that the proposed development would not detract from the urban scale of the city centre of Dublin given the distance from the city centre and would not be premature pending the construction of permitted developments in the city centre. Finally the Board considered that the proposed development would not seriously injure the visual or residential amenities of the area.

The Board notes the errors in the draft Order in the Inspectors Report, specifically where the Inspector references a height of 4 – 6 storeys and a recommended reduction of 3-5 storeys. Having regard to the Inspectors full assessment it is clear that the Inspector assessed and considered the 22-storey element to be unacceptable in height and recommended a reduction of height across a number of blocks such that the maximum height would be 18 storeys. The Board notes reference to the reason for that reduction and as per the Inspectors Report notes that it related to visual impact and not overshadowing.

The Board notes the errors with reference to the DLRD Development Plan, with reference to a Building Height Strategy and City Plan. The Board accepts that these are typographical errors and that as per the full and comprehensive assessment in the body of the Inspectors Report, the proposed development was assessed against the correct policy.

Furthermore, the Board is satisfied that the assessment had regard to both the Urban Development and Building Height Guidelines and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities

Board Member

Date: 12/04/2021

Paul Hyde