



An
Bord
Pleanála

Board Direction
BD-011416-22
ABP-311059-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/10/2022.

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 proposed residential development on the portion of the site zoned for residential development under the Fingal Development Plan 2017-2023. The majority of the northern portion of the site is zoned RA 'Residential Area' and a small section of the northwest of the site is zoned TC – 'Town and District Centre'. The location of open space and an access road on lands zoned OS 'Open Space' with a road proposal indicated in the zoning map; and the location of the proposed Nature Park on lands zoned HA 'High Amenity';
- (b) The policies and objectives as set out in the Fingal Development Plan 2017-2023 and the Donabate Local Area Plan 2016-2022;
- (c) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;

- (e) The provisions of 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;
- (f) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- (h) The provisions of Architectural Heritage Protection, Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht October 2011;
- (i) The provisions of the 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 2019, as amended;
- (j) The nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (k) The pattern of existing and permitted development in the area;
- (l) The planning history of the site, including its location within the curtilage of a protected structure, in Coastal Character Type and Estuary areas of exceptional landscape value, with a preserve views designation along the southern boundary of the site, and preserved views in the wider area from Malahide coast road looking over the Estuary towards the site and Donabate;
- (m) The submitted Natura impact assessment and potential effect upon European Sites;
- (n) The submitted Environmental Impact Assessment Report and Addendum Number 1 Environmental Impact Assessment Report;
- (o) The provisions of section 37(2)(b) of the Planning and Development Act 2000, as amended;

- (p) The submissions and observations received on the submitted application and to the Oral Hearing, and the consultation responses subsequent to the Oral Hearing;
- (q) The Chief Executive's Report of Fingal County Council and submissions to the Oral Hearing, and
- (r) The report of the Planning Inspector dated 17th November 2021 together with the addendum to the Inspector's report.

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, would be appropriate in context of surrounding uses and would otherwise 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 Natura impact statement submitted with the application, the Inspector's reports, 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, other than Malahide Estuary Special Protection Area (Site Code: 004025); Malahide Estuary Special Area of Conservation (Site Code: 000205); Rogerstown Estuary Special Protection Area (Site Code: 004015); Rogerstown Estuary Special Area of Conservation (Site Code: 000208); North Bull Island Special Protection Area (Site Code: 004006); Baldoyle Bay Special Protection Area (Site Code: 004016); South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024); Skerries Islands Special Protection Area (Site Code: 004122); Baldoyle Bay Special Area of Conservation (Site Code: 000199); North Dublin Bay Special Area of Conservation (Site Code:

000206); and South Dublin Bay Special Area of Conservation (Site Code: 000210) which are European Sites where the likelihood of significant effects could not be ruled out.

Appropriate Assessment

The Board considered the Natura impact statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Malahide Estuary Special Protection Area (Site Code: 004025); Malahide Estuary Special Area of Conservation (Site Code: 000205); Rogerstown Estuary Special Protection Area (Site Code: 004015); Rogerstown Estuary Special Area of Conservation (Site code: 000208); North Bull Island Special Protection Area (Site Code: 004006); Baldoyle Bay Special Protection Area (Site Code: 004016); South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024); Skerries Islands Special Protection Area (Site Code: 004122); Baldoyle Bay Special Area of Conservation (Site Code: 000199); North Dublin Bay Special Area of Conservation (Site Code: 000206); and South Dublin Bay Special Area of Conservation (Site Code: 000210), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the site specific Conservation Objectives for the European Sites,
- (b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water and ground water quality,
- (c) the mitigation measures which are included as part of the current proposal,

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

This conclusion is based on the measures identified to mitigate impacts, including the control of the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction and operational phases; the implementation of measures to prevent disturbance of Qualifying Interests; and the preparation and implementation of a Biodiversity and Habitat Management Plan of the proposed Nature Park.

Environmental Impact Assessment

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, addendum 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 and the Inspector's addendum report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, and including the Addendum Number 1 Environmental Impact Assessment Report, 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 read alongside the addendum 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 reports, 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 reports set out how these were addressed in the assessment and recommendation including environmental conditions and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, and including the Addendum Number 1 Environmental Impact Assessment Report, 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 reports. 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 in relation to the provision of new homes in close proximity to public transport, increased economic activity and with the provision of new public open space. Mitigation has been incorporated into the design, the application of measures in a Construction and Environmental Management Plan and Construction and Demolition Waste Management Plan during construction will also reduce impact upon human health. Specific mitigation is

described in relation to the treatment of the boundary to the railway line. No other mitigation is required during the operational phase.

Biodiversity – with mitigation in place and the construction of an appropriately managed Nature Park, the proposed development will have a net positive impact on biodiversity.

Land, soils, geology, water, air quality or climate - 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, no significant negative impacts are envisaged. Specific regard is had to the impact of proposed attenuation upon the railway embankment, with the incorporation of a filter drain to the 'Catchment A' attenuation area in the Nature Park to remove risk of water egress into the Iarnród Éireann railway corridor.

Noise and vibration – during the construction phase, negative impacts will be mitigated through measures in the Construction and Environmental Management Plan. During the operational phase, sound insulation will be incorporated into the buildings. With mitigation in place, impact will not be significant.

Transportation – mitigation measures described in the Construction and Environmental Management Plan are intended to prevent significant impact during construction. During the operational phase, negative long-term effects are anticipated from increased congestion. However, this impact is not significant, and in the 'no development scenario' over capacity is still demonstrated in areas.

Material Assets - Archaeology and cultural heritage - no significant permanent adverse impacts upon archaeological cultural heritage are anticipated, with the application of mitigation measures.

Material Assets – Utilities and waste - no significant effects are anticipated in relation to the supply of utilities. Mitigation is formed of adherence to relevant codes of practice, design guidance and consultation with local and statutory authorities.

Landscape and visual impacts – during the construction phase, temporary negative impacts are identified. During the operational phase, slight or moderate negative impact as a result of the change in landscape appearance, with this impact lessening in the long term. Impact is consistent with existing and emerging trends associated with residential development of zoned lands in the area.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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 urban location, on an inner suburban site, 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 transportation 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's Report and representations received from Fingal County Council.

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 The Fingal Development Plan 2017-2023. Specifically, in relation to growth rate, Variation Number 2 of the Fingal Development Plan envisages a 10% increase in population for Donabate. Table 2.4 sets out the total land and housing capacity for the Fingal Development Plan 2017-2023 updated in light of the adoption of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 and the Project Ireland 2040 National Planning Framework and the proposed development provides for development in excess of the envisaged growth rate. In relation to density, the Donabate Local Area Plan 2016-2022 identifies a density of 35 number dwellings per hectare for the land within the Donabate Local Area Plan 2016-2022. In relation to apartment size, Table 12.2 of the Fingal Development Plan

2017-2023 provides minimum standards for apartments. The Fingal Development Plan 2017-2023 does not include the provision for a reduced size two-bed apartment, 63 square metres gross floor area, which is suitable for three number persons. The proposed development includes 19 number two-beds which were deemed to be three number person two-bed units. In relation to rear garden size, Objective DMS87 of the Fingal Development Plan 2017-2023 requires that houses of three-bedrooms or less have a minimum of 60 square metres of private open space. There are nine number two-bedroom houses which have rear gardens of 55 square metres which fall below the 60 square metres requirement of Objective DMS87.

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 Fingal Development 2017-2023 and the Donabate Local Area Plan 2016-2022 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:

With respect to growth rate, density, apartment size and rear garden size, the strategic nature of this site for the delivery of housing in Fingal, as well as nationally given the scale of housing proposed (being 1,323 number units), and in light of the characteristics of the site and the context of national planning policy documents and guidelines which promote compact growth. Including Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Project Ireland 2040 National Planning Framework and Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021. Donabate is also recognised as a strategic development area under the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031.

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

With respect to growth rate, the Fingal Development Plan 2017-2023 contains conflicting objectives or objectives are not clearly stated in relation to the envisaged growth rate for Donabate, with the identified unit capacity number of 3,532 described

in the Fingal Development Plan 2017-2023 not flowing from the 10% growth rate stated in the Plan.

With respect to density, the Fingal Development Plan 2017-2023 contains conflicting objectives or objectives are not clearly stated in relation to density for Donabate, the Donabate Local Area Plan identifies a density of 35 number dwellings per hectare for the land within the Local Area Plan 2016-2022, Objective PM41 encourages increased densities at appropriate locations, and the Fingal Development Plan 2017-2023 states that in relation to rail infrastructure, high density development is required within the catchment of stations.

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

With respect to growth rate, density, apartment size and rear garden size, the characteristics of the subject site reflect the national planning policy approach in relation to compact growth and density, as described in Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Project Ireland 2040 National Planning Framework; Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021; 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; Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020 and the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018. Donabate is also identified as a growth area under the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 and the proposed development conforms with national and regional planning policy approaches to the efficient use of land for housing delivery. Specifically, as a result of the sites characteristics, being situated a short walking distance to Donabate rail station providing commuter services and the zoned town and district centre areas for Donabate with access to the range of

commercial, social and amenity infrastructure there, as well as employment opportunities.

Note: In not accepting the Inspectors conclusion with regard to material contravention of the Fingal Development Plan 2017-2023 in the matter of density, the Board considered that the density of 51.1 number units per hectare proposed, could be considered to be a material contravention of the Fingal Development Plan 2017-2023 having regard to the objective of 35 number dwellings per hectare for the land within the Donabate Local Area Plan 2016-2022.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the Oral Hearing on the 14th day of December 2021, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature and scale of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The proposed development shall be amended as follows:
- (a) Omission of Mixed-Use Building 02, with that area and the ancillary car parking and circulation area, to be retained as landscaping as presented in drawings submitted to the Oral Hearing, Drawing Number 0921-SHD-S-121 Rev B.
 - (b) Relocation of the retail space to be lost in Mixed-Use Building 02 to the ground floor of either proposed apartment Blocks 7 or 9 looking onto the proposed civic plaza, in lieu of a residential unit (minimum 44 square metres to be provided as retail use).
 - (c) A filter drain to be added to the southwest corner of the Nature Park, to the west of the bicycle and pedestrian path on the west side of the attenuation pond. As presented in drawings submitted to the Oral Hearing, Drawing Numbers C829-OCSC-01-XX-DR-C-0564-A1-C03 and C829-OCSC-01-XX-DR-C-0566-A1-C03.
 - (d) Removal of the top storey to proposed Apartment Blocks 4 and 5 and the third floor of proposed Apartment Blocks 6 and 8. As presented in drawings submitted to the Oral Hearing, Drawing Numbers 0921-SHD-A-4-100 Rev B, 0921-SHD-A-4-200 Rev B, 0921-SHD-A-5-100 Rev B, 0921-SHD-A-5-200 Rev B, 0921-SHD-A-6-100 Rev B, 0921-SHD-A-6-101 Rev B, 0921-SHD-A-6-102 Rev B, 0921-SHD-A-6-200 Rev B, 0921-SHD-A-8-100 Rev B, 0921-SHD-A-8-101 Rev B, and 0921-SHD-A-8-200 Rev B.
 - (e) Amendments to the phasing of the landscaping works to achieve earlier delivery of the proposed ground modelling and woodland planting located between Buildings 4 to 8 and the Donabate Distributor Road to take place during Phase 1.

As a result of the above amendments, the number of units is reduced by 42 and the total number of units is 1,323. 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, and safe operation of the railway.

4. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura impact statement, the Environmental Impact Assessment Report submitted with this application and the Addendum Number 2 Environmental Impact Assessment Report, as set out in Chapter 16 of the Environmental Impact Assessment Report and Section 6 of the Addendum Report, 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.

5. A Biodiversity and Habitat Management Plan shall be submitted for agreement with the planning authority prior to commencement of the development.

Reason: In the interest of ecology.

6. The development shall be carried out in accordance with a phasing strategy, to be agreed in writing with the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

7. 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.

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.

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

8. 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.

9. The proposed Nature Park as shown on the lodged plans shall be reserved for such use and shall be landscaped in accordance with a landscape strategy to be agreed in writing with the planning authority prior to commencement of the development. This strategy shall reflect the planning authority and the Department for Housing, Local Government and Heritage requirements. The works associated with the establishment of the Nature Park shall be completed before any of the dwellings are made available for occupation and shall be maintained as public space by the developer until taken in charge by the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

10. The landscaping scheme shown on plans and particulars submitted to An Bord Pleanála as part of this application shall be carried out on a phased basis as detailed in an agreed phasing strategy and 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 planning 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. The landscaping strategy shall incorporate a piece of public art or sculpture, to be designed in consultation with the planning authority.

Reason: In the interests of residential and visual amenity.

11. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs 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, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, 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, shrubs or hedging which are to be retained on the site.

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

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, crossings, cycleways, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works, reflecting the requirements of the National Transport Authority and the design standards outlined in Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. 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.

13. Any works to the public footpath and carriageway, including junctions, crossings, parking areas, footpaths and kerbs shall be agreed with the planning authority prior to commencement of the development and 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 (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. Road Safety Audits shall be carried out as part of the development at the relevant stages as outlined in Transport for Ireland Guidelines. 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.

14. A minimum of 10% of all communal car parking spaces should be provided as accessible parking bays. In addition, a minimum of 10% of all communal car parking spaces should be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or 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.

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

15. Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: In the interests of orderly development and to provide for and future proof the development as would facilitate the use of electric bicycles.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation including hydrological and geotechnical investigations relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

17. 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.

18. The construction of the development shall be managed in accordance with a 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 during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) A survey for asbestos on the site and any necessary mitigation regarding the same;
- (l) 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;
- (m) Off-site disposal of construction and demolition waste and details of how it is proposed to manage excavated soil;

- (n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (o) 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.
- (p) A Ecological Clerk of Works to oversee all environmental and biodiversity mitigation measures set out in the Environmental Impact Assessment Report, including supervision of structure and vegetation clearance from the site.
- (q) Pre-development fencing of the Corballis 6 and Corballis 14 sites to be addressed in the Construction and Environmental Management Plan.

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

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

20. (a) A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.
- (c) Collection of waste by refuse vehicles should take place from within the site where possible, and the applicant should agree provisions regarding the same or agree alternative arrangements with the planning authority prior to the commencement of the development.

Reason: In the interests of residential amenity, and to ensure the provision of adequate refuse storage.

21. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and buildings shall be agreed in writing with the planning authority prior to commencement of each relevant phase of the development. Materials for apartment Blocks 4, 5, 6 and 8 shall be as presented to the Oral Hearing on the 14th December 2021. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

22. The following requirements in relation to the operation and safety of the rail line shall be complied with:
- (a) Prior to the commencement of the development the applicant shall liaise with Irish Rail to ensure that no works infringe on, impede or damage railway infrastructure, including embankments, bridges, etc. and that no works impede access to culverts and bridges under the railway;
 - (b) No liquid or surface water shall discharge or be allowed to seep onto railway property or into railway drains and ditches;
 - (c) The Landscaping Plan shall be revised to preclude deciduous trees along the railway line boundary;

- (d) No building shall be constructed within four metres of the boundary treatment along the eastern site boundary;
- (e) Should the development require the use of a crane that could swing over the railway property, the developer shall enter into an agreement with Iarnród Éireann prior to commencement of crane operations;
- (f) Any proposed services that are required to cross along, over or under the railway property shall be the subject of a wayleave agreement with Iarnród Éireann;
- (g) No part of the development shall overhang the railway property;
- (h) Lights from the proposed development, either during construction phase or when the development is completed, shall not cause glare or in anyway impair the vision of train drivers or personnel operating on track machines. A Glint and Glare Report to be prepared and agreed with Irish Rail.

Reason: To ensure the safety of the rail line.

23. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential 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.

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

25. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

26. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority such agreement must specify the number and location of each house or duplex unit, pursuant to section 47 of the Planning and Development Act 2000 as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and or by those eligible for the occupation of social and or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

27. 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 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. 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.

29. 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.

Board Member



Michelle Fagan

Date: 28/10/2022

