

An  
Bord  
Pleanála

**Board Direction**  
**BD-011450-22**  
**ABP-313320-22**

The submissions on this file and the Inspector's report were considered at Board meetings held on the 19/10/2022 and 20/10/2022.

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 policies and objectives of the Dublin City Development Plan 2016-2022;
- b) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- c) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness issued by the Department of Housing, Planning, Community and Local Government in July 2016;
- d) The provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- e) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;

- 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 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) issued by the Department of Environment, Heritage and Local Government in May 2009;
- 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 Environment, Community and Local Government in 2019;
- j) The provisions of the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October 2011;
- k) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- l) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- m) The pattern of existing and permitted development in the area;
- n) The provisions of 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 that materially contravenes a Development Plan or a Local Area Plan;
- o) The submissions and observations received;
- p) The Chief Executive's report from the Planning Authority;

- q) The report of the Planning Inspector.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report and application documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and that, by itself or in combination with other development, plans and projects 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**

The Board completed, in compliance with section 172 of the Planning and Development Act 2000, as amended, 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 applicant, the Planning Authority, the observers, and the prescribed bodies in the course of the application; and;
- d) The Planning Inspector's report;

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and

describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and the associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- significant direct positive impacts with regard to population and material assets, due to the substantive increase in the housing stock during operational phases;
- direct negative effects arising for human beings during the operation phase as a result of the potential for excessive direct overlooking from building 1 of block E to housing along The Steeples, which would be mitigated by a condition omitting this block;
- direct negative effects arising from noise during the construction phase and indirect negative effects arising from noise during the operation phase, which would be mitigated by a suite of appropriate construction phase management measures and building design specifications for the proposed apartment buildings;
- indirect negative effects on water, which would be addressed during the construction phase by management measures to control the emissions of sediment to water and addressed during the operational phase by the proposed system for surface water management and the drainage of foul effluent to the public foul sewerage system for treatment;
- significant direct negative effects for traffic during the operational phase along Lynch's Lane, which would be mitigated by the low level of traffic currently experienced on this road, the routing of traffic through the development and use of an alternative entrance onto Ballyfermot Road, and by compliance with a condition requiring redesign of the road and parking layout along Lynch's Lane;

- significant direct negative effects on the landscape, as the proposed development would feature buildings of excessive heights and scales relative to the surrounding context and on an elevated site, which would be highly visible from immediate approaches to the east and south, and the surrounding areas, particularly the river valley, open recreational grounds and Chapelizod village area to the north, the height and scale of which would not be reasonably justified by the overall design and the quality of the buildings, which would be mitigated by a condition restricting the heights and scales of the proposed buildings to no more than eight storeys, in order to reduce the dominance and impact of the proposed cluster of buildings within the landscape.

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, the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on a protected structure and buildings of architectural / historical merit, would be acceptable in terms of traffic and pedestrian safety, flood risk and drainage, and would provide an acceptable form of residential amenity for future occupants.

The Board considered that with the exception of building heights and subject to the conditions set out below, the proposed development would be compliant with the Dublin City Development Plan 2016-2022, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that with the inclusion of conditions, a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Dublin City Development Plan 2016-2022, and it would materially contravene the Dublin City Development Plan 2016-2022 in relation to building heights. 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 Dublin City Development Plan 2016-2022, would be justified for the following reasons and considerations.

- the proposed development is considered to be of strategic and national importance given its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland - Action Plan for Housing and Homelessness' (2016) within the Dublin Metropolitan Area Strategic Plan Area on a high-capacity, high-frequency public transport corridor, with links to further sustainable modes of the transport network. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the building height provisions of the Dublin City Development Plan 2016-2022;
- it is considered that permission for the proposed development subject to a condition restricting the building heights to no more than eight storeys should be granted having regard to Government policies, as set out in the National Planning Framework, in particular national policy objectives 13 and 35, provisions set out in the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, in particular regional policy objective 5.4, the Urban Development and Building Heights Guidelines for Planning Authorities (2018), in particular Specific Planning Policy Requirement 3(a). Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(iii) are applicable with respect to the material contravention of the building height provisions of the Dublin City Development Plan 2016-2022;
- it is considered that permission for the proposed development should be granted having regard to recent neighbouring permissions in the area,

including the pattern of building heights granted permission under An Bord Pleanála references 312290-21 (Park West Business Park), 312218-21 (Concorde industrial estate), 311606-21 (Carriglea industrial estate site), 309627-21 (Davitt Road), 307092-20 (Kennelsfort Road Upper) and 303435-19 (Davitt Road). The proposed development is to an extent, continuing on the pattern of development granted in those permissions. Accordingly, the provisions set out under section 37(2)(b)(iv) are applicable with respect to the material contravention of the building height provisions of the Dublin City Development Plan 2016-2022.

### **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, 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. Mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including Chapter 16 of the Environmental Impact Assessment 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.

3. The proposed development shall be amended as follows:

- (a) blocks F and G shall be reduced in height to eight storeys, by the omission of eight and ninth floors.
- (b) Block H (the western element) shall be reduced in height to eight storeys, by the omission of the eight and ninth floors, and (the eastern element) shall be reduced in height to ten storeys, by the omission of the, tenth, eleventh, and twelfth floors.
- (c) Block E (southern building containing 12 units) shall be omitted from the scheme and the resultant space landscaped as public open space.
- (d) vertical privacy screens 1.8 metres in height shall be provided to all adjoining terraces and balconies.
- (e) the proposed commercial and retail / café units shall be omitted from the scheme and any future use of the associated space shall be subject of a separate grant of planning permission.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual and residential amenity and in the interest of consistency with the zoning objective for the site.

- 4. The proposed development shall be amended as follows:
  - (a) The westernmost elevation of Block G, facing the multi-use playing pitch shall be set back a minimum of 7.5 metres from its current position, with the omission of unit numbers G016 at ground floor level, G027 at ground floor and first floor level, and G053 at second floor level, the omission of parking spaces 42, 43, 44, 47, 48, 49, 53, 54, 55, 61, 62, 63, 18, 19 and 20 and with associated reconfiguration of the car parking area at ground level and of the open space at first floor level. The position of the easternmost elevation, facing onto road 2, shall remain unchanged.
  - (b) The westernmost elevation of Block H, facing the multi-use playing pitch and the associated public roadway shall be set back a minimum of 7.5



metres from its current position, with the omission of unit numbers H001 and H013 at ground floor level reconfiguration of bin store, cycle parking and associated areas to facilitate the set back of the ramp access to basement by a minimum of 7.5 metres, H014, H037, H035 and H033 at first floor level H015, H045 and H043, and a depth of 7.5 metres minimum from the roof garden area at second floor level, H051 and H053 at third floor level, H060, H062 and H064 at fourth floor level, H072, H074 and H076 at fifth floor level, H084, H086 and H088 at sixth floor level, H097, H099 and H101 at seventh floor level associated reconfiguration of ramp positioning, parking and associated areas at basement level. The remaining units within the westernmost section of Block H, after omission of the units listed above, shall be reconfigured as dual aspect with no change to the position of the eastern elevation such that the open space area at ground remains unchanged.

- (c) The set back space shall be set out and provided as curtilage related to the multi-use playing pitch area.
- (d) boundary treatments to secure the maintenance of the playing area and to provide for ball-stop netting in appropriate locations shall be provided to the playing pitches.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** in the interest of open space amenity and functionality of the multi-use playing pitch and associated curtilage.

- 5. The number of residential units permitted is 839.

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

6. The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

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

8. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

9. The internal road network and works onto Ballyfermot Road and Lynch's Lane serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban roads and Streets.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

10. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage. All audits shall be carried out at the Developer's expense in accordance with the Design Manual for Urban Roads & Streets guidance and Transport Infrastructure Ireland standards. The independent audit team(s) shall be approved in writing by the planning authority and all measures recommended by the Auditor shall

be implemented unless the planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted and agreed with the planning authority prior to the commencement of development.

**Reason:** In the interest of traffic safety and proper planning and sustainable development.

11. (a) The car parking facilities hereby permitted shall be reserved solely to serve the development on the subject site. An additional ten car-share parking spaces shall be allocated in the proposed development, replacing allocated residential car parking spaces. Car parking spaces shall not be utilised for any other purpose than those stated in the application, 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 car, cycle, motorcycle and car-share club parking, as well as visitor parking, shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed development.

12. Prior to the occupation of the development, a finalised Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents of the development and to reduce and regulate the extent of parking. 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.

13. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, including all car club / car share spaces, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to 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.

14.

(a) details of the bicycle parking space location, layout and access to the basement areas, storage arrangement, marking demarcation and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to the commencement of development.

(b) 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:** To ensure that adequate bicycle parking provision is available to serve the proposed development, and in the interest of orderly development and to provide for and future proof the development and to facilitate the use of electric bicycles.

15. All plant, including extract ventilation systems, shall be sited in a manner so as not to cause nuisance at sensitive locations due to emissions. All

mechanical plant and ventilation inlets and outlets shall be sound insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations. Basement ventilation shall not be positioned adjacent to apartment terraces.

**Reason:** In the interests of residential amenity.

16. 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 visual amenities of the area.

17. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

18.

- a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, including construction and maintenance plan details for green roofs.
- b) 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.
- c) 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.

d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

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

19. Public lighting shall be provided in accordance with a scheme, which shall include lighting for the public open spaces, communal spaces, surface parking areas and the pedestrian / cycle routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area, as well as the requirements of a bat specialist and the Environmental Impact Assessment Report submitted with respect to bat species. Such lighting shall be provided prior to the making available for occupation of any unit.

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

20 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.

**Reason:** In the interests of visual and residential amenity.

21. Prior to the commencement of development on site, the following landscaping, open space and ecology details shall be submitted to and agreed in writing with the planning authority:

a) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, including the Landscape Design Statement, which accompanied the application, unless otherwise agreed in writing with the planning authority.

- b) Details of hard landscaping materials, including materials for the pedestrian routes and public open space.
- c) Further details of the play spaces and associated features assigned for children of all ages.
- d) Details of the public artwork feature proposed to be provided as part of the public open space.
- e) A report clarifying the status or absence of invasive species on the site and method to address same should invasive species be found.

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. This work shall be completed before any of the units 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 the interest of the environment, local and visual amenities.

22. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

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

23.

- (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 is 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 trees to be maintained, 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.

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

24.

- (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.
- (b) A map delineating those areas to be taken in charge by the Local Authority, including the playing pitches and associated facilities and equipment, and details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning



authority before any of the residential units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

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

25. 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 and for the ongoing operation of these facilities for each apartment and non-residential 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.

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

26. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.

The developer shall also comply with the following requirements:-

- (a) The developer shall engage the services of a suitably qualified archaeologist to carry out an Archaeological Impact Assessment of the development site. The assessment will include the results of an archaeological geophysical survey. No subsurface work should be undertaken in the absence of the archaeologist without his/her express consent.
- (b) An archaeologist should carry out any relevant documentary research and inspect the site. Test trenches will be excavated at locations chosen by the

archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings.

- (c) Having completed the work, the archaeologist should submit a written report to the Planning Authority and to the Department of Housing, Local Government and Heritage in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to preserve the archaeological heritage of the site in situ or by record.

27. Prior to commencement of works, the developer shall make a record of the existing protected structure. This record shall include:
- (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and
  - (b) a detailed, labelled photographic survey of all internal rooms, including all important fixtures and fittings, the exterior and the curtilage of the building.
- This record shall be submitted to the planning authority prior to commencement of development and one copy of this record and a full set of drawings of the proposed works to the protected structure shall be submitted to the Irish Architectural Archive.

**Reason:** In order to establish a record of this protected structure.

28. The developer shall comply with the following requirements in relation to the proposed works to the protected structure, which shall be carried out in accordance with the document: "Architectural Heritage Protection –

Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011):

- (a) where possible the remaining rainwater goods shall be repaired and reused, and any replacement rainwater goods shall match the original in terms of design and materials,
- (b) replacement capping to the gate piers to be relocated shall match the original in terms of design and materials,
- (c) replacement windows shall be modelled on historically correct windows and shall match them in dimensions, opening mechanism, profiles and materials.

Detailed elevation drawings to a scale of not less than 1:50, showing these amendments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure an appropriate standard of restoration works for this protected structure.

29. Prior to commencement of development, details of aeronautical requirements shall be submitted to, and agreed in writing with the planning authority. A minimum of 30 days prior to the commencement of any works to erect crane operations on site, the developer shall notify the Dublin Airport Authority and the Irish Aviation Authority of the intention to undertake same.

**Reason:** In the interest of air traffic safety.

30. The construction of the development shall be managed in accordance with a final project 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 the construction practice for the development, including:

- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;

- b) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
- c) Details of on-site car parking facilities for site workers during the course of construction;
- d) 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.
- e) Measures to obviate queuing of construction traffic on the adjoining road network;
- f) Details of construction phase mobility strategy, incorporating onsite mobility provisions;
- 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, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, 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/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;

n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority;

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

31. 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 proposals have been submitted and agreed in writing with the Planning Authority.

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

32. 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.

33. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of

any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

34. 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.

35. Prior to the commencement of any duplex unit in the development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority and such agreement must specify the number and location of each duplex unit, pursuant to Section 47 of the Planning and Development Act 2000, as amended, which restricts the 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.

36. 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.

**Note:**

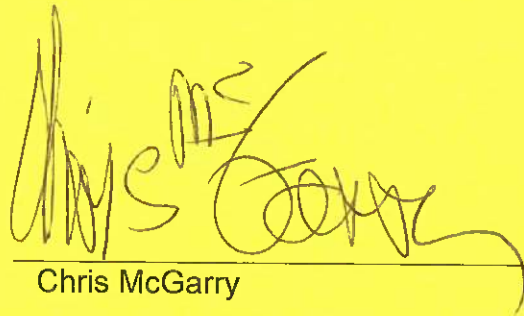
The Board noted the recommendation of the inspector to reduce building heights to eight storeys (where more than eight storeys were proposed). This recommendation of the inspector in turn reflected the opinion of the planning authority that certain heights as proposed could not be successfully integrated into the wider area and that seven/eight storeys should be conditioned. The Board shared the opinion of the planning authority and the inspector, save for two floors at the eastern element of Block H, where it was considered that the specific locational relationship of this element, adjoining the central public open space and towards the centre of the site, was such that this location could sustain a height of ten storeys in design and context terms, without militating against the overall principle that the reduction of heights above eight floors elsewhere within the proposed development would by reason of positioning and clustering, would ensure a more cohesive integration of the overall scheme into the wider area.

The Board also shared the opinion of the planning authority that the space around the multi-use playing pitch on its eastern side in particular was insufficient, both in terms of the relationship to adjoining apartment block G and also from a practical point of view in terms of the gathering of persons congregating around the pitch area during matches and for potential future development by the planning authority of associated facilities such as changing rooms, storage etc.. The Board noted and agreed with the inspector that this was an issue of concern, however determined that the recommended amendment to the scheme as set out by the inspector, in the form of provision of ancillary facilities at Block G including changing rooms and toilets, would not provide an appropriate resolution to this matter. Instead, it was determined that the setting back of the westernmost elevations of Blocks G and H, with associated reductions in overall footprint of these buildings, and the setting back of the public road area at this location would be a more appropriate design amendment to address this important operational issue for the multi-use playing pitch.



The Board noted some additional recommendations of the inspector in terms of additional route options across the site, but considered that the design as proposed provided a high quality of layout and movement for pedestrians and cyclists and that certain other recommendations in terms of some ground floor apartments at Blocks D and H and the incorporation of the single storey loggia at the central classroom block, were not warranted having regard to the overall quality of the proposed scheme.

**Board Member**



---

Chris McGarry

**Date:** 04/11/2022

