

An
Bord
Pleanála

Board Direction
BD-011955-23
ABP-314125-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/03/2023.

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 making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

- (i) the site's location on lands with a zoning objective for Residential development and the policy and objective provisions in the Fingal Development Plan 2017 – 2023 and the Barnhill Local Area Plan 2019,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Fingal Development Plan 2017 – 2023 and the Barnhill Local Area Plan 2019, and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development 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,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,

(vi) the availability in the area of a wide range of social and transport infrastructure,

(vii) to the pattern of existing and permitted development in the area, and

(viii) Chief Executive's Report and supporting technical reports of Fingal County Council,

(ix) the comments made at the Blanchardstown-Mulhuddart/ Castleknock/ Ongar Area Committee meeting,

(x) the reports from the Department of Housing, Local Government and Heritage, An Taisce, Inland Fisheries Ireland, and from Irish Water,

(xi) third party submissions,

(xii) the Inspectors report

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density on this greenfield site, that has been subject to a local area plan, would respect the existing character of the area, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

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 suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and reports 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 designated European site in view of the conservation objectives of such sites. There was therefore no requirement to carry out a Stage 2 Appropriate Assessment.

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.

Environmental Impact Assessment (EIA):

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

(a) The nature, scale and extent of the proposed development. The site is located on lands governed by zoning objective RA – Residential in the Fingal Development Plan 2017 – 2023 and the Barnhill Local Area Plan 2019;

(b) The environmental impact assessment report and associated documentation submitted in support of the planning application;

(c) The submissions from the Planning Authority, and the prescribed bodies in the course of the application;

and

(d) The 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 associated

documentation submitted by the applicant and submissions made in the course of the planning application.

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.

Reasoned Conclusion on Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, having taken into account, current knowledge and methods of assessment.

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. Having regard to the examination of environmental information contained above, and in particular to the Environmental Impact Assessment Report and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the 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, as follows:

- **Population and Human Health:** Impacts are likely to be positive with the provision of additional housing and an increased local population that will avail of services and facilities in the area. No significant negative impacts from the development and no significant residual effects are identified.

- **Biodiversity:** Impacts to be mitigated by the proposed landscaping strategy; ensure no additional invasive species are introduced; the significant provision of active and passive open space; protection of trees to be retained, and measures to avoid disturbance to bats and nesting birds. No significant negative impacts from the development and no significant residual effects are identified.
- **Land and Soils:** The impacts to be mitigated by construction management measures including minimal removal of soil, reuse of excess material within the site; proposals for identification and removal of any possible contamination; management and maintenance of plant and machinery. No significant negative impacts from the development and no significant residual effects are identified, subject to appropriate mitigation measures.
- **Water:** The impacts to be mitigated by management of surface water run-off during construction; adherence to Construction Management Plan; to avoid uncontrolled contamination of water sources. No significant negative impacts from the development are identified.
- **Air Quality and Climate:** The impacts will be mitigated by suitable measures taken on site during the construction phase of development. These will be detailed in the adopted Construction Management Plan
- **Noise and Vibration:** Impacts will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive locations and through the use of suitable noise control techniques on site. Excessive levels of vibration are not expected on site.
- **Landscape and Visual Impact:** The development will present as a new development in the landscape. There will also be changed views for some viewers in nearby residences and nearby locations. The potential impact will be mitigated by the establishment of suitable boundary treatment and landscaping that will reduce the impact at a local level and to provide for extensive landscaping of the site to reduce the visual impact at a more distant level. The proposed development will not have an adverse impact on the character or on the visual amenity of the area.

- **Cultural Heritage:** The proposed development would not impact on cultural heritage.
- **Material Assets - Services, Infrastructure and Utilities:** Impacts will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions kept to a minimum.
- **Material Assets - Traffic and Transport:** Impacts to be mitigated by implementation of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and the promotion of sustainable travel patterns by residents during the operation phase.
- **Waste Management:** The impacts to be mitigated by management of materials and waste during construction and adherence to Construction Management Plan.

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 residential density at this 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 quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is broadly compliant with the current Fingal County Development Plan and the Barnhill Local Area Plan and would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where 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 ten (10) years from the date of this order.

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

3. The number of residential units permitted by this grant of permission is 1,233 no. units in the form of 322 houses, 793 apartments and 117 duplex units.

Reason: In the interests of clarity.

4. The proposed development shall be amended as follows:
 - (a) Reduction in height of the 11 storey and 9 storey buildings in Block A of "Station Plaza" character area by 3 and 4 storeys respectively.
 - (b) The following units to be revised to provide for additional fenestration in their side elevations: Link Road East units DA70, DA75, DA86 and DA91.
 - (c) The following units to be revised to provide for a relocated front door to the side elevation addressing the public street/ footpath: Station Quarter South units D1, D18 and Link Road East units C1-38, C1-41 and C81.
 - (d) The provision of a second permanent childcare facility away from the local centre, which may be in lieu of a residential unit (s) such as unit no. 015 on Link Road East.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to the prior

to occupation of units within Phase 1.

Reason: In the interests of visual and residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/ buildings shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority/An Bord Pleanála 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.

6. a) The development shall be carried out on a phased basis, to be submitted and agreed in writing with the Planning Authority prior to the commencement of development. The phasing shall clearly detail the development of the site over the ten-year period sought.
- b) The first phase shall include the following, prior to the occupation of the first unit:
 - i) The provision of a pedestrian/ cycle connection to Hansfield station with full access to the existing station plaza in order to access the station.
 - ii) The completion and full operation of the Ongar-Barnhill road.
- c) Prior to the commencement of Phase 2 (in accordance with Drawing No. PLA-08), the provision of a childcare facility shall be completed and available for occupancy.

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

7. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 17 of the EIAR 'Schedule of Mitigation Measures

and Monitoring', 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.

8. a) The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the Planning Authority.
- b) All areas of open space shall have a defined function be it for active, passive and/ or visual/ screening amenity, and which shall be agreed in writing with the Planning Authority.
- c) This work shall be completed before any of the dwellings are made available for occupation, on the agreed phased basis, and shall be maintained as public open space by the developer until taken in charge by the Local Authority or management company.

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

9. Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interests of sustainable development and proper planning

10. 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.

11. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

Reason: In the interest of the amenities of the area/visual amenity.

12. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the proposed buildings (or within the curtilage of the site) in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

14. 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.

15. a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the Planning Authority for such works and design standards outlined in DMURS. In

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

- b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii,
- c) Pedestrian crossing facilities shall be provided in suitable locations to be agreed with the Planning Authority,
- d) Provision shall be made for future bus service provision to serve the development, including the provision of suitable road widths to accommodate regular bus services,
- e) The materials used in any roads/ footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,
- f) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of traffic, cyclist, and pedestrian safety and to protect residential amenity

16. A total of 3,337 no. bicycle parking spaces shall be provided within the site, as indicated in the submitted documentation. Details of the layout, marking demarcation and security provisions for these spaces shall be agreed in writing with, the Planning Authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

- 17.(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for

use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

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

18. A minimum of 10% of all car parking spaces serving the apartments and duplex units should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/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.

19. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

20. 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.

21. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

22. 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.

23. Bat roosts shall be incorporated into the site and shall be carried out on the site to the written satisfaction of the Planning Authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority

Reason: To ensure the protection of the natural heritage on the site.

24. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the 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.

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

25. (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 6 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) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

26. 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. 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.

27. The construction of the development shall be managed in accordance with a Construction 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) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- j) 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;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) 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.

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

28. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and from 0800 to 1400 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.

29. All of the permitted house or duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex unit.

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.

30. 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.


31. 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.

32. 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



Peter Mullan

Date: 27/03/2023