



An
Bord
Pleanála

Board Direction
BD-012444-23
ABP-314791-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/06/2023.

The Board decided to approve the proposed development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the conditions set out below.

Reasons and Considerations

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

- (a) the location of the site in the established urban area of Dublin City in an area zoned for mixed use/predominately residential (Z14 'Strategic Development and Regeneration Areas (SDRAs)' where the proposed uses are permitted in principle use;
- (b) the policies and objectives of the Dublin City Development Plan 2022-2028;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All: A new Housing Plan for Ireland 2021;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (f) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Local Government and Heritage 2022;
- (g) 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 2013;
- (h) the Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) the nature, scale and design of the proposed development and the availability in the area of public transport, water services and social/community infrastructure;
- (j) the pattern of existing and permitted development in the area;
- (k) the planning history of the area, and consideration of protected structures in, and proximate to, the site (particularly the former Richmond Barracks);
- (l) the submissions and observations received; and
- (m) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Dublin City Development Plan 2022 – 2028, with particular reference to the designation of the site as a Strategic Development Regeneration Area (SDRA), would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be appropriate to the historic sensitivity of the site and would otherwise 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:

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, the distances to the nearest European Sites and

the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's appropriate assessment screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the 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 an 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 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 local authority, the observers and 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 identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

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

Reasoned Conclusion on the Significant Effects

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 local authority and the submissions from prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and human health** - during the construction phase, minor temporary residual impacts on population and human health will likely result with respect to nuisance caused by construction activities. Mitigation relates to a range of construction related remedial and mitigation measures. Positive impacts will result during operation in relation to the provision of new homes in close proximity to public transport, increased economic activity (both during construction and operation) and with the provision of new public spaces and community uses.
- **Biodiversity** – with the application of mitigation described in the Environmental Impact Assessment Report, no significant negative residual impact upon local ecology or designated conservation sites are anticipated to result from the proposed development. Measures include protection of surface waters; controlled removal of invasive plant species; lighting will meet the most recent Bat Conservation Trust Lighting Guidelines; limitation of noise disturbance and dust; clearance of vegetation out of main bird breeding season; pre-demolition bat survey; measures for enhancing bat roosting opportunities in the development.
- **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, there is no risk of significant negative impacts. While construction works invariably lead to some disturbance, this is demonstrated to range from an imperceptible to slight level of effect with mitigation in place and reflective of impact that would generally be experienced across brownfield development sites in the city.

- **Noise and vibration** – during the construction phase, impact from construction related activities and plant is anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction and Environmental Management Plan. During the operational phase, no negative impacts are identified. After implementation of mitigation measures, there are no significant negative residual effects.
- **Transportation** – mitigation measures described in the Construction and Environmental Management Plan will limit negative residual impact during construction to not significant, local, likely and short-term. During the operational phase, impact arising from traffic growth will not be significant, neutral, local and long-term.
- **Material Assets - Archaeology and cultural heritage** – no risk of significant permanent adverse impacts upon archaeological cultural heritage, with the application of mitigation measures. With reference to architectural cultural heritage, permanent residual impact will result from alteration to the protected wall (RPS number 8705) and closing off of views southwards towards the Goldenbridge Cemetery, however this is appropriately balanced against the fact that the proposed development will bring the site back into use, with the incorporation of remaining sections of the wall (including repair and retention into the future), and contributing positively visually and socially to the amenity of the area, ensuring that impact will not be significant.
- **Material Assets – Utilities and waste** - no significant effects are anticipated. During construction phase, new connections may be required which could cause disruption to service, and this impact would be controlled and temporary in duration. Mitigation is formed of adherence to relevant codes of practice, design guidance and consultation with local and statutory authorities. An Operational Waste Management Plan will mitigate impacts in terms of waste. With mitigation in place, no significant residual impacts will result.
- **Landscape and visual impacts** – no significant negative permanent impact, with short-term temporary negative impact predicted during the construction which is consistent with the impact resulting from any development site in an urban area. During operation, neutral or positive impact will result from the proposed development upon the visual and landscape character of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application to An Bord Pleanála except as may otherwise be required in order to comply with the following conditions. Where any such conditions require details to be prepared by or on behalf of the local authority, prior to commencement of development, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report (EIAR) submitted with this application as set out in Chapter 17 of the EIAR 'Summary of EIA Mitigation and Monitoring Measures', shall be carried out in full, except where otherwise required by conditions attached to this Order.

Reason: In the interest of protecting the environment.

3. Prior to the commencement of development, the local authority or any agent acting on its behalf shall prepare a Construction and Environmental Management Plan (CEMP) including demonstration of proposals to adhere to best practice and protocols. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness.

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

4. Details of the materials, colours, and textures of all the external finishes to the proposed building shall be prepared by the local authority prior to commencement of development and shall be placed on file and retained as part of the public record.

Reason: To protect the visual amenity of the area.

5. Proposals for a development name and numbering scheme and associated signage shall be prepared by the local 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.

6. The operating hours of the café/retail unit shall be placed on file and retained as part of the public record prior to the commencement of operation of this unit.

Reason: In the interest of clarity.

7. 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 prepared by the local authority prior to commencement of development and shall be placed on file and retained as part of the public record. 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.

8. 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 local authority, or any agent

acting on its behalf, to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The local authority, or any agent acting on its behalf, shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site and these details shall be placed on the file and retained as part of the public record. The local authority, or any agent acting on its behalf, shall also comply with the following requirements:-
- (a) Satisfactory arrangements shall be put in place for the execution (or supervision) by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works.
 - (b) This archaeologist shall advise on such measures as may be necessary to ensure that any damage to the remaining archaeological material is avoided or minimised. In this regard, the proposed locations of piled foundations, shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works shall be placed on the file and retained as part of the public record.
 - (c) Satisfactory arrangements for post-excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be placed on the file and retained as part of the public record. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared.

Reason: In order to conserve the archaeological heritage of the site, it is considered reasonable that the local authority, or any agent acting on its behalf, should facilitate the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the local authority, or any agent acting on its behalf, should be responsible for carrying out properly supervised archaeological excavations in

circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

10. The local authority, or any agent acting on its behalf, shall comply with the following requirements in relation to the proposed modification, removal of parts and restoration of 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):

The replacement of any brick/stonework or any works of re-pointing shall be undertaken so that it matches the original existing wall finish and shall be in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht.

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

11. Prior to commencement of the development, the local authority, or any agent acting on its behalf, shall enter into water and waste water connection agreements with Uisce Éireann.

Reason: In the interest of public health.

12. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials shall be placed on file and retained as part of the public record prior to commencement of development. Thereafter, the waste shall be managed in accordance with the plan.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

13. Site development and construction works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances.

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

14. The local authority, or any agent acting on its behalf, shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works. The Landscape Consultant shall be engaged to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the local authority to be placed on the public file, as verification that the approved landscape plan and specification have been fully implemented.

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

15. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting infrastructure (consisting of conduits for electrical cables) shall be provided for all remaining car parking spaces, to enable the subsequent installation of recharging points at the location of these car parking spaces.

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

Board Member

Patricia Calleary

Patricia Calleary

Date: 13/06/2023

