



An  
Bord  
Pleanála

**Board Direction**  
**BD-016237-24**  
**ABP-316444-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/05/2024.

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**

Having regard to the 'RA' Residential Area zoning of the site in the Fingal Development Plan 2023-2029, the national, regional and local policy objectives which seek to increase housing supply and deliver compact urban growth at appropriate locations, the nature, scale and height of the proposed development, and the pattern of existing and permitted development in the vicinity of the site, it is considered that subject to compliance with the conditions set out below, the proposed development would appropriately intensify the residential use at the site, constitute an acceptable quantum and density of residential development, would respect the existing character and architectural heritage of the site and would not effect the integrity of the protected structure, would not seriously injure the residential or visual amenities of property in the vicinity, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, would not cause serious pollution in respect of air, water, noise, vibration or disposal of waste, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Baldoyle Bay Special Area of Conservation (000199) and the Baldoyle Bay Special Protection Area (004016) are the European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

### **Appropriate Assessment**

The Board considered the Natura Impact Statement as revised and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the following European Sites in view of the site's Conservation Objectives - Baldoyle Bay Special Area of Conservation (000199) and the Baldoyle Bay Special Protection Area (004016). The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites conservation objectives using the best available scientific knowledge in the field.

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

- (i) the site-specific Conservation Objectives for these European Sites,
- (ii) the current conservation status, threats and pressures of the qualifying interest features/special conservation interest species
- (iii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and
- (iv) the mitigation measures which are included as part of the current proposal,

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the

aforementioned European Sites, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European site(s) in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the Baldoyle Bay Special Area of Conservation (000199) and the Baldoyle Bay Special Protection Area (004016).
- An assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Baldoyle Bay Special Area of Conservation (000199) and the Baldoyle Bay Special Protection Area (004016).

### **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, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the grounds of appeal and observations, and reports and submissions from the planning authority and prescribed bodies during the course of the application and appeal, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report,



supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report and addendum to same.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

**Population and Human Health** – moderate to significant positive effects arising from the provision of new residential units, increased population and community creation, additional local facilities and services (a childcare facility and open spaces) and increased economic activity.

**Biodiversity** – moderate to significant positive effects arising from the implementation of the Arboricultural Report (inclusive of a Tree Protection Plan and a Tree and Woodland Management Plan), landscaping strategy, bat protection measures, and surface water management measures to prevent pollution of local watercourses and protect nature designations.

**Architectural Heritage** – significant positive effects arising from implementation of the Architectural Heritage Report (inclusive of a conservation methodology and Maintenance Strategy for Auburn House and its attendant grounds), the Walled Garden Report (inclusive of methodologies for repair and construction works), the Arboricultural Report (inclusive of a Tree Protection Plan and a Tree and Woodland Management Plan), and the Planning Stage: Structural Report (inclusive of a construction methodology for works in proximity to sensitive structures).

**Landscape** – significant negative effects arising from construction phase activities, improving to significant neutral to positive effects arising from the

implementation of the Landscape Design Rationale (inclusive of a landscaping strategy), the Arboricultural Report (inclusive of a Tree Protection Plan and a Tree and Woodland Management Plan), and from enhancements of the visual amenity of the site through appropriately sited, designed, scaled, and finished new buildings.

The Environmental Impact Assessment Report has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

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

## **Conditions**

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 3<sup>rd</sup> day of February 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>a) Permission is hereby granted for 69 residential units comprising 35 houses and 34 apartments.</p> <p>b) Permission for same shall be implemented in accordance with the site layout plan (and other plans and particulars) submitted to the planning authority as further information on the 3<sup>rd</sup> day of February 2023, except for House No.s 02-06 which shall be implemented in accordance with the site layout plan, house plans and elevations as lodged with the application on the 21<sup>st</sup> day of October 2022.</p> <p>c) Auburn House, stable buildings and courtyard shall be jointly occupied as a single residential unit. The house, stable buildings and courtyard shall not be used, sold, let, or otherwise transferred or conveyed, save as part of the overall residential unit. The curtilage of the overall residential unit, including private amenity space, shall not be subdivided.</p> <p><b>Reason:</b> In the interests of clarity and residential amenity.</p>

3.	<p>a) This development shall be carried out in a phased manner as part of the coordinated development of lands under the applicant's control (total lands as indicated on Dwg No. 1902PS035 (Scale 1:2500)) unless otherwise stated in Condition 3(b) below, or if agreed in writing with the planning authority.</p> <p>b) Phase 1 shall comprise the development permitted under ABP 316498-23, PA. Ref F22A/0580. Measures included in/ works relating to the following shall be implemented in the first instance (as necessary applicable to lands under the applicant's control):</p> <ul style="list-style-type: none"> <li>i. Architectural Heritage Report and Report on Condition, Repair and Alterations for Walled Garden and Corner Bastions.</li> <li>ii. Arboricultural Report.</li> <li>iii. Wastewater infrastructure.</li> <li>iv. Main entrance, access road, and road works at Malahide Road (R107) and Back Road.</li> </ul> <p>c) Phase 2 shall comprise the development permitted under ABP 316504-23, PA. Ref F22A/0581, save for any components implemented under Condition 3(b) above.</p> <p>d) Phase 3 shall comprise the development permitted under this permission ABP 316444-23, PA Ref. F22A/0579, save for any components implemented under Condition 3(b) above.</p> <p>e) The occupation of residential units within each phase shall be restricted until the communal and public open space to serve the phase, and the childcare facility (applicable for Phase 1) have been developed, are operational and available for use, to the satisfaction of the planning authority.</p> <p><b>Reason:</b> To ensure the protection of Auburn House and its setting, and the timely provision of amenities and infrastructure for future residents.</p>
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4.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report, as set out in Chapter 16 'Summary of Mitigation Measures' and in the Natura Impact Statement, as set out in 'Step 4: Mitigation', submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission. The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the Environmental Impact Assessment Report and the Natura Impact Statement are implemented in full.</p> <p>Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation measures and a corresponding timeline/ schedule for implementation of same to the planning authority for its written agreement.</p> <p><b>Reason:</b> In the interest of protecting the environment, public health, and clarity.</p>
5.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Architectural Heritage Report (inclusive of the Protection Plan/ Maintenance Strategy), the Report on Condition, Repair and Alterations for Walled Garden and Corner Bastions at Auburn House, the Planning Stage: Structural Report and the Arboricultural Report (inclusive of the Tree and Woodland Management Plan and the Arboricultural Method Statement with the Tree Protection Plan) submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation measures and a corresponding timeline/ schedule for implementation of same to the planning authority for its written agreement.</p> <p><b>Reason:</b> To protect the architectural and arboricultural heritage of the site.</p>



6.	<p>Proposals for a development name and numbering scheme, and associated advertisements/ marketing signage (including the location of signage along the site boundary with Malahide Road/ R107, if any), shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name and numbering scheme shall be based on the site's historic association with Auburn House and/ or the townlands of Auburn and Streamstown, or other alternatives acceptable to the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
7.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed buildings, the front and rear boundary walls/ screening/ planting to residences, and to the site boundaries, shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8.	<p>No additional development shall take place above roof parapet level on Apartment Block 1 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.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces. The design of the lighting scheme shall be approved of by a suitably qualified bat specialist. The details of the lighting scheme, including written evidence indicating approval by the bat specialist, shall be submitted to and agreed</p>

	<p>in writing with the planning authority prior to commencement of development/ installation of lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.</p> <p><b>Reason:</b> In the interests of amenity and public safety, and wildlife protection.</p>
10.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
11.	<p>All links/ connections to adjoining lands (within and outside the developer's control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.</p> <p><b>Reason:</b> In the interest of permeability and safety.</p>
12.	<p>The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, parking areas, footpaths and kerbs, and cycle lanes 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 and the National Cycle Manual issued by the National Transport Authority. Pedestrian crossing facilities shall be provided in suitable locations to be agreed with the planning authority.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>
13.	<p>a) Prior to the occupation of the development, a Parking Management Plan shall be submitted to and agreed in writing with the planning authority. The plan shall:</p>

	<ul style="list-style-type: none"> <li>i. identify the total number of car parking spaces to be assigned permanently and solely for the residential units.</li> <li>ii. shall indicate how these and other spaces (e.g., visitor) within the development shall be assigned, segregated by user, and continually managed.</li> </ul> <p>b) Prior to the occupation of the development, a Mobility Management Plan 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/ visitors, and to reduce and regulate the extent of parking. The plan shall be prepared and implemented by the management company for all units within the development.</p> <p><b>Reason:</b> To ensure that adequate parking facilities are permanently available to serve the proposed residential units, and encourage the use of sustainable modes of transport.</p>
14.	<p>a) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, 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/ points have 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.</p> <p>b) Electric charging facilities shall be provided for motorcycle and/ or bicycle parking, and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.</p> <p><b>Reason:</b> To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>



15.	<p>Prior to commencement of development, proposals for cycle parking and storage shall be submitted to and agreed in writing with the planning authority. The proposals shall accord in quantity and design with the requirements of SPPR 4, Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.</p> <p><b>Reason:</b> To ensure that adequate cycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
16.	<p>a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge.</p> <p>b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, 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.</p> <p>c) 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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
17.	<p>a) The areas of communal and public open space in the development shall be reserved for such use, levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the Landscape Design Rationale and associated landscape plans, unless otherwise agreed in writing with the planning authority.</p> <p>b) Final design, finishes, methods of construction and/ or installation of footpaths, cycle paths, crossing points over ditches/ watercourses/</p>

	<p>SuDS features, and equipment in play areas shall be submitted to the planning authority for its written agreement.</p> <p>c) The landscaping work shall be undertaken in accordance with the phasing requirements stipulated in Condition 3b) and shall be completed prior to any residential units being made available for occupation unless otherwise agreed with the planning authority.</p> <p>d) 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.</p> <p>e) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the local authority.</p> <p><b>Reason:</b> In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the open space areas and their continued use for this purpose.</p>
18.	<p>a) The developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of works.</p> <p>b) The arboricultural consultant shall ensure the implementation of all recommendations in respect of tree removal, retention, protection, pruning, and other measures included in the Arboricultural Report, tree plans and particulars.</p> <p>c) Any tree felling, surgery and remedial works shall be undertaken in accordance with applicable BS standards or equivalent standards, supervised by and to the satisfaction of the arboricultural consultant.</p> <p>d) The developer shall facilitate the work of the arboricultural consultant in implementing the measures in the Arboricultural Report and bear the costs of same.</p> <p><b>Reason:</b> In the interests of arboricultural and environmental protection.</p>

19.	<p>a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, and groundworks associated with the development.</p> <p>b) The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (i.e., preservation in-situ and/ or excavation). The developer shall facilitate the archaeologist in recording any remains identified.</p> <p>c) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.</p> <p>d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p><b>Reason:</b> To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
20.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p>



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|  | <ul style="list-style-type: none"> <li>a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.</li> <li>b) Location of areas for construction site offices and staff facilities.</li> <li>c) Details of site security fencing and hoardings.</li> <li>d) Details of on-site car parking facilities for site workers during the course of construction.</li> <li>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.</li> <li>f) Measures to obviate queuing of construction traffic on the adjoining road network.</li> <li>g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.</li> <li>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.</li> <li>i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.</li> <li>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.</li> <li>k) Off-site disposal of construction/ demolition waste and details of how it is proposed to manage excavated soil.</li> <li>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.</li> <li>m) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the Planning Authority.</li> </ul> |
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	<p><b>Reason:</b> In the interest of environmental protection, residential amenities, public health and safety.</p>
21.	<p>Site development and building 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 will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
22.	<p>Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
23.	<p>a) An Operational Waste Management 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 for the ongoing operation of these facilities for each residential 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.</p> <p>b) This plan shall provide for screened communal bin stores for the apartment and duplex blocks, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the</p>

	<p>application unless otherwise agreed in writing with the planning authority.</p> <p>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.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
24.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
25.	<p>a) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.</p> <p>b) If any proposals by the developer to build over/ near or divert existing water or wastewater services subsequently occurs, the developer shall submit details to Uisce Eireann for assessment of feasibility and have written confirmation of feasibility of diversion(s) received from Uisce Eireann prior to connection agreement.</p> <p>c) All development shall be carried out in compliance with Uisce Eireann Standards codes and practices.</p> <p><b>Reason:</b> In the interest of public health.</p>
26.	<p>All residential units to be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone C for Dublin Airport.</p> <p><b>Reason:</b> To ensure compliance with Objective DAO11 of Fingal Development Plan 2023-2029, and to protect residential amenity.</p>
27.	<p>Prior to commencement of development, a proposal for the provision of a piece of public art at a location within lands under the applicant's control</p>



	<p>(as indicated on Dwg No. 1902PS035 (Scale 1:2500)) shall be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> To ensure compliance with Objective DMSO194 of Fingal Development Plan 2023-2029, and to contribute to the cultural identify and visual amenities of the area.</p>
28.	<p>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.</p> <p><b>Reason:</b> 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.</p>
29.	<p>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 as amended, to this effect. Such an agreement must specify the number and location of each house or duplex unit.</p> <p><b>Reason:</b> 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.</p>

30.	<p>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 acceptable to the planning authority to secure the tree removal, retention, protection, pruning, and other measures included in the Arboricultural Report as required by Condition 18, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory implementation of said measures.</p> <p>This security shall remain in place until the requirements of part (a) above are completed to the satisfaction of the planning authority and for a further period of 10 years following completion of said landscaping works, or as otherwise agreed by the planning authority.</p> <p>In default of agreement on (a) and/ or (b), the matter(s) shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory implementation of the requirements of Condition 18 in relation to tree preservation, protection, and replanting measures.</p>
31.	<p>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/ in the event of being 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.</p> <p>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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until/ in the event of being taken in charge.</p>

32.	<p>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.</p> <p><b>Reason:</b> 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.</p>
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### Note

The Board noted the Inspectors reference in Section 7.4 of the report to the demolition works which include part of a wall of the walled garden. As outlined by the Inspector, the demolition works involve the partial removal of original fabric of the western wall of the walled garden to create a pedestrian gateway (approximately two-thirds down the length of the wall) for a length of c.2.5m which constitutes c.1.16% of the original fabric of the wall which has a total length of c.216.5m. The pedestrian gateway is required to allow unobstructed pedestrian access (following amendments made in the FI response removing gates) to the walled garden which is to serve as public open space for the development. In conclusion the Inspector considers that the partial demolition of the wall to be an exceptional circumstance with minimal impact and to not adversely affect the interest of the protected structure. While the Board agreed with the Inspector that the partial demolition of the wall would have a minimal impact and would not adversely affect the interest of the



protected structure, the Board had regard to the Supreme Court judgement in Sherwin v An Bord Pleanala [2024] IESC 13 as it relates to the demolition of protected structures, which the Board noted postdates the Inspectors report, and in this regard the Board did not consider that exceptional circumstances as provided for in Section 57(10)(b) of the 2000 Act would apply in this case where the demolition proposed is for a minimal area of the structure.

**Board Member**

  
Una Crosse

**Date:** 07/05/2024