

**An
Bord
Pleanála**

**Board Direction
BD-013944-23
ABP-317438-23**

The submissions on this file and the Inspector's report were considered at Board meetings held on 25/09/2023 and 29/09/2023.

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

- (a) the location of the site in an area where residential/mixed use and hospital development is permitted under zoning Z1, Z12 and Z15 of the Dublin City Development Plan 2022-2028.
- (b) the policies and objectives of the Dublin City Development Plan 2022-2028;
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The pattern of existing and permitted development in the area;
- (e) The provisions of Housing for All, A New Housing Plan for Ireland 2021;
- (f) 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;
- (g) Urban Development and Building Heights Guidelines for Planning Authorities,

prepared by the Department of Housing, Planning and Local Government in December 2018;

h) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2022;

(i) 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;

(j) The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;

(k) The Architectural Heritage Protection Guidelines for Planning Authorities 2011.

(l) The provisions of the Climate Action Plan 2023

(m) The policies and objectives set out in the National Planning Framework

(n) The policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly

(o) The EIAR and NIS submitted with the application

(p) The grounds of appeal received

(q) The observations received,

(r) The reports of the Planning Authority, including its assessment and determination that in terms of the location of the site with notable changes in character from one (adjoining) area to the next, the proposed density is acceptable given the context of the site and the provision of open space and other uses including hospital facility and commercial/community uses, and

(s) the report of the Planning Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be 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

Appropriate Assessment: Stage 1

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 in a serviced urban area, the Natura Impact Statement Report and other documentation submitted with the application to Dublin City Council, the Inspector's report, and submissions on file received at application and appeal stage. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites.

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the grounds of appeal, the submissions from the planning authority, the prescribed bodies and third parties in the course of the application and appeal, and
- (d) the Inspector's report.

Reasoned Conclusions on the 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, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report.

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.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses.
- Climate and Air Quality impacts mitigated by dust monitoring programme.
- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. After implementation of these mitigation measures there is no risk of significant negative residual effects.

- Landscape and Visual impacts would be significant with a direct effect on land by the change in the use and appearance of a relatively large area of brownfield site to residential/mixed use. Given the location of the site within the urban area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Cultural Heritage, Archaeology and Architectural Heritage would be mitigated by landscaping. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area.
- Resources and Waste Management impacts which will be mitigated by preparation of a site-specific Resource Waste Management Plan (RWMP) to deal with waste generation during the demolition, excavation and construction phases of the proposed development.

The EIAR 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.

Conclusions on Proper Planning and Sustainable Development

Having regard to the zoning objectives for the site as set out in the Dublin City Development Plan 2022-2028, to the relevant provisions of the Development Plan including Appendix 3 which refers to criteria for assessing height, the pattern of existing development in the immediate vicinity of the site, the location of the site within a reasonable walking distance of services and amenities, the site characteristics in terms of scale and boundaries, the pattern of development in the area and the site context, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be consistent with relevant national, regional and local planning policy and would be acceptable in terms of design, scale, height, mix, density and quantum of development, and in terms of pedestrian and traffic safety. It was also concluded that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere. The proposed development 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 received by Dublin City Council on the 6th April 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.

Reason: In the interest of clarity.

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

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

five years.

3. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application, 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.

4. The proposed development shall be amended as follows:

a) Block D-E shall have a maximum height of eleven storeys. This shall be achieved by the omission of levels 10 and 11 and of units DE-10-01, DE-10-02, DE-10-03, DE-10-04, DE-10-05, DE-10-06, DE-10-07, DE-11-01, DE-11-02, DE-11-03, DE-11-04, DE-11-05, DE-11-06, DE-11-07.

b) Block L shall have a maximum height of five storeys. This shall be achieved by the omission of level 05 and of units L-05-01, L-05-02, L-05-03, L-05-04, L-05-05, L-05-06, L-05-07, L-05-08, L-05-09, L-05-10, L-05-11, L-05-12.

c) Block H shall have a maximum height of four storeys. This shall be achieved by the omission of level 04 and of units H-04-01, H-04-02, H-04-03, H-04-04, H-04-05 and H-04-06.

The development hereby approved contains 779 no. dwelling units consisting of 18 no. studios, 375 no. one bedroom apartment units, 332 no. two bedroom units and 54 no. three bedroom units.

The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest visual amenity of the streetscape, respecting the primacy of the protected structures on site and protection of residential amenities of the wider area.

5. The 303 no. units in Blocks D-E and F development hereby permitted shall be for Build to Rent units which shall operate in accordance with the definition of Build to Rent developments as set out in 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 2022 and be used for long term rentals only. No portion of this development shall be used for short-term lettings.

Reason: In the interests of orderly development and clarity.

6. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the (303 no. units in Blocks D-E and F) development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.

Reason: In the interests of orderly development and clarity

7. Prior to the expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the 303 no. units as a Build to Rent scheme. Any proposed amendment or deviation from the Build to Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

8. Unless otherwise agreed in writing with the planning authority, the development shall be carried out in accordance with the following phasing arrangements:
 - a) The cafes, (Block F) and retail unit (Block A) in Phases 1A and 1B, and gym hereby approved shall be fully fitted out and suitable for immediate occupation and operation prior to the first occupation of the residential units hereby approved in Phases 1A and 1B.
 - b) All The Phase 1A and 1B residential amenity floorspace and supporting services (located in Block's C, D-E, F, and G) shall be ready and available for immediate use prior to first occupation of any residential block in Phases 1A and 1B.
 - c) The Café (Block K2), Childcare facility (Block K3), Community Library (Block K2), Community Hall (Block K4), Gym (Block K1) and Residential Amenities and supporting services (Block J and K1) in Phase 2A shall be ready and available for immediate use prior to first occupation of any residential block in Phase 2A (Block H,

J and L).

- d) Unless otherwise agreed in writing with the planning authority, Phase 1 and Phase 1A shall be implemented concurrently.

Reason: To ensure the delivery of a mix of land uses on site and in the interests of residential amenity

9. Details of the materials, colours and textures of all external finishes to the development shall be as submitted with the application unless otherwise agreed in writing with the planning authority prior to the commencement of development. All ground floor service doors, for example to ESB substations, shall be coloured to blend with the primary finish

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

10. Details of signage, waste management and hours of operation of the non-residential units shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

11. Details of the management and operation of the community facilities in Blocks J and K and Allotment Gardens shall be submitted to and agreed in writing with the planning authority prior to commencement of Phase 2A of the development.

Reason: In the interest of visual amenity.

12. All links/connections to adjoining lands (within and outside the applicant's control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

Reason: In the interest of permeability and safety.

13. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

14. The internal road network 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 DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

15. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of /installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed is made available for occupation.

Reason: In the interest of public safety and visual amenity.

16. 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:

a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;

b) Provision for mitigation measures described in the approved NIS;

c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

d) Location of areas for construction site offices and staff facilities; e) Details of site security fencing and hoardings;

f) Details of on-site car parking facilities for site workers during the course of construction;

g) 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;

h) Measures to obviate queuing of construction traffic on the adjoining road network;

- i) Details of lighting during construction works;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- k) 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 works;
- l) Provision of parking for existing properties at during the construction period;
- m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- n) 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;
- o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- q) 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.

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

17. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. 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.

Reason: In the interest of sustainable waste management.

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

19. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

20. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

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

21. A minimum of 10% of all communal car parking spaces 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

22. 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 planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by a legally constituted management company.

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

23. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, 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 in the interest of residential amenity.

24. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed in accordance with the phasing arrangements of the development and shall be agreed in writing with the planning authority. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

25. a) All trees shall be inspected by a suitable qualified expert for bats prior to felling. In the event a roost is found the developer shall require a derogation license from the National Parks and Wildlife Service.

b) Bat and bird boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.

c) Any clearance of vegetation from the site should only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.

Reason: To avoid the destruction of the nests, nestlings and eggs of breeding birds and to avoid the proposed development causing detrimental effects on flora, fauna and natural habitats.

26. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected, and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees/hedging which are to be retained on the site.

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

27. Prior to the commencement of any work on site, the developer:

i) shall engage the services of an independent, qualified arborist, for the entire period of construction activity.

ii) shall inform the planning authority in writing of the appointment and name of the consultant. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the revised tree reports and plans, once agreed.

iii) shall ensure the protection of trees to be retained

iv) submit photographs and confirmation that fencing for retained trees meets BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations" for the written agreement of the Planning Authority.

v) All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

vi) The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

vii) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees.

viii) A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.

ix) The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

Reason: To ensure the retention, protection and sustainability of trees during and after construction of the permitted development

28. 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

29. Prior to the occupation of the residential units, a 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. 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.

30. No advertisement or advertisement structure shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

31. The following requirements of the Archaeology Section of Dublin City Council shall be strictly adhered to:

a) Preservation in-situ and conservation repair of the demesne wall associated with Drumcondra Castle (CH01) and of the ruined outbuilding associated with Richmond House (CH02).

b) A detailed archaeological survey and analysis of the demesne wall associated with Drumcondra Castle (CH01) and of the ruined outbuilding associated with Richmond House (CH02) including full photographic, written and drawn record of both structures.

c) i. No construction or site preparation work may be carried out on the site until all archaeological requirements of the Planning Authority are complied with.

ii. The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues. a. The archaeological and historical background of the site, to include industrial heritage. b. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc. c. The nature, extent and location of archaeological material on site by way of archaeological testing &/or monitoring of the removal of

overburden.

- iii. The impact of the proposed development on such archaeological material.
- iv. The archaeologist shall forward their Method Statement in advance of commencement to the Planning Authority.
- v. Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.
- vi. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the Planning Authority in advance regarding the procedure to be adopted in the assessment.
- vii. One hard copy and 1 digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site. viii. The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.
- ix. The developer shall make provision for archaeological excavation in the project budget and timetable.

- x. Should archaeological excavation occur the following shall be submitted to the Planning Authority: a. A bi weekly report on the archaeological excavation during the excavation and post excavation period. b. A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation. c. A final report on the archaeological excavations not later than twelve months after the completion of the excavation
- xi. Before any site works commence the developer shall agree the foundation layout with the Planning Authority.
- xii. 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.

32. Prior to the commencement of development conservation details for Brooklawn (RPS Ref.: 8789), Richmond House (RPS Ref.: 8788), Laundry Building, Rose Cottage and the historic boundary elements of the development shall be submitted for the written agreement of the Planning Authority. Prior to the commencement of Phase 2A development works details regarding works to St. Vincents shall be submitted for the written agreement of the Planning Authority.

The following Conservation requirements shall be fully complied with in the proposed development including the submission of relevant details for the written agreement of the Planning Authority.

- a) Chapel i. A revised design omitting the removal of the raised area for the altar should in order to retain more of the historic interior of the structure. ii. Clarification on the retention of a number of pews to the interior of the chapel is to be provided. The retention of some of the furnishings associated with its historic use would be the preferred. It is understood that some elements will be lost to make the space more useable and inclusive, however some elements should be retained. iii. Consideration to be given for the reuse of the historic railings to the exterior of the chapel.
- b) Richmond Convent i. Detailed floor plans at a scale of 1:50 of the former convent and convent extension, cross-referenced to photographs, and accompanied by a list

clearly describing all interventions impacting the historic fabric, including the loss of features such as historic floors, together with proposed finishes. The proposed works shall respect the surviving historic features and fabric, ensuring the special character of the interior is not adversely impacted. ii. 1:20 drawings of the proposed windows, describing the proposed windows in detail. The new frames should have a traditional putty finish to the exterior. Details of the proposed new glazing should also be submitted. The applicant shall be satisfied that any proposed glass conforms to EU directives. If double-glazing is proposed, 1:5 details of the windows are to be submitted demonstrating that the proposed glazing units can be accommodated without increase in dimension of historically appropriate frames and glazing bars (if appropriate)

c) Convent Extension & Hospital Extension i. 1:20 drawings of the proposed windows, describing the proposed windows in detail. The new frames should have a traditional putty finish to the exterior. Details of the proposed new glazing should also be submitted. Confirmation that any proposed glass conforms to EU directives. If double-glazing is proposed, 1:5 details of the windows are to be submitted demonstrating that the proposed glazing units can be accommodated without increase in dimension of historically appropriate frames and glazing bars (if appropriate). ii. A detailed methodology for the repair of the north elevation of the c.1900 hospital extension following removal of structures is to be submitted to include proposed materials. iii. Samples of the proposed finishes for the exterior of the lift enclosure are to be provided to the planning authority for approval.

d) Hospital Buildings i. Detailed floor plans at a scale of 1:50 of the 1861 Hospital Building, cross-referenced to photographs, and accompanied by a list clearly describing all interventions impacting the historic fabric, including the loss of features such as historic floors. Proposed finishes are also to be provided. The works are to be respectful to the surviving historic features and fabric, ensuring the special character of the interior is not adversely impacted. ii. 1:20 drawings of the proposed windows, describing the proposed windows in detail. The new frames should have a traditional putty finish to the exterior. Details of the proposed new glazing should also be submitted. The applicant shall be satisfied that any proposed glass conforms to EU directives. If double-glazing is proposed, 1:5 details of the windows are to be submitted demonstrating that the proposed glazing units can be accommodated without increase in dimension of historically appropriate frames and glazing bars (if appropriate).

e) A strategy for the reuse of historic boundary elements is to be provided, particularly the use of the early twentieth-century wrought-iron railings and gates. 1:20 details of the proposed anti-climb fence to the boundary between the new hospital and the Protected Structures together with an appraisal of its impact on the setting of the Protected Structures and mitigation measures to address this visual impact.

f) Rose Cottage: 1:50 elevations of the proposed extension illustrating all external finishes, which shall be sensitive to the historic structure.

g) Confirmation of the proposed new natural slate to be used for the roofs of the Protected Structures.

h) A strategy for the reuse of historic boundary elements is to be provided, particularly the use of the early twentieth-century wrought-iron railings and gates.

i) 1:20 details of the proposed anti-climb fence to the boundary between the new hospital and the Protected Structures together with an appraisal of its impact on the setting of the Protected Structures and mitigation measures to address this visual impact.

j) The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority: i. Following provision of a scaffold to the elevations of the Chapel, Brooklawn, Richmond House and the Laundry, the DCC Conservation Officer shall be given the opportunity to inspect the elevations to assess the condition of the brickwork and agree the proposed strategy for repair. ii. A detailed schedule/marked up drawing of repairs to the elevations following inspection at close quarters, is to be provided. iii. Site samples/exemplars for the raking out of joints, cleaning, repair of brick and proposed pointing are to be agreed on site with the CO prior to these works commencing. Proposed new pointing shall be NHL2. iv. Samples of the proposed render finishes to Richmond Convent, Convent Extension & Hospital Extension, the Hospital Buildings, Richmond House and the Laundry are to be agreed on site with the DCC Conservation Officer prior to these works commencing.

k. A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.

I. The proposed development shall be carried out in accordance with the following: i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement. ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works. iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

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

Reason: In order to protect the original fabric, character, integrity and settings of the Protected Structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

33. Proposals for a naming 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 signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

34. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located 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.

35. Prior to commencement of development, the developer 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 plan of the area.

36. 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 a legally constituted management company, 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

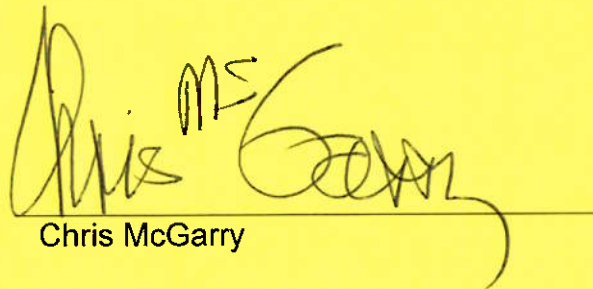
37. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Contribution Scheme made under section 48 of the Act be applied to the permission.

Note: In addition to the amendments as recommended by the Inspector to Blocks D-E and L, the Board determined that a reduction of one floor should also be conditioned in respect of Block H. This determination of the Board was made in the context of a review of the totality of the planning authority documentation including the report of the Executive Architectural Conservation Officer which refers to a reduction in the building heights of Block H and L by reference to respecting the primacy of the protected structures in this part of the subject site. The Board shared the view of the Conservation Officer that such a reduction to Block H was warranted.

Board Member



Chris McGarry

Date: 29/09/2023

