

An
Bord
Pleanála

Board Direction
BD-015277-24
ABP-318247-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/01/2024.

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

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

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 development is permitted under Objective A – *'To provide residential development and improve residential amenity while protecting the existing residential amenities.'* of the Dun Laoghaire Rathdown Development Plan 2022-2028.
- (b) the policies and objectives of the Dun Laoghaire Rathdown 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) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, prepared by the Department of Housing, Local Government and Heritage, January 2024;

(g) 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, as amended;

(h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018, as amended;

(i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage, 2002, as amended July 2023, in particular paragraph 5.10;

(j) 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;

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

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

(m) The provisions of Section 57(10) of the Planning and Development Act 2000 (as amended)

(n) The provisions of the Climate Action Plan 2023

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

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

(q) The EIAR submitted with the application

(r) The grounds of appeal received

- (r) The observations received
- (t) The submission from the Planning Authority, and
- (u) The report of the Inspector

it is considered that, subject to compliance with the conditions set out below, the 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 cultural and built heritage, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, would not have a detrimental impact on residential amenities of existing properties and would be acceptable in terms of pedestrian and traffic safety, it is also consider 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.

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 Dun Laoghaire Rathdown County 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 party observations received 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 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 infill 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.
- Impacts of Cultural Heritage, Archaeology and Architectural Heritage would be avoided by restoration and adaptive reuse of the historic buildings on the site, by the omission of Block E and the reduction in height of Blocks B,C and F, landscaping, design and by the use of pre-construction trench testing. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- A positive effect on Cultural and Social Heritage as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and the active re-use of Dalguise House as a public café.

- 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

The Board considered having regard to the zoning objectives for the site and the provisions of Section 4.3.2.4 Policy Objective PHP28: *Build-to Rent and Shared Accommodation/ Co-living Developments* as set out in the Dun Laoghaire Rathdown County Development Plan 2022-2028, the extent of proposed demolition of a protected structure which has been identified and deemed to be justified under section 57(10) of the Planning and Development Act 2000 (as amended), the site's location in the suburbs of Dublin City within walking distance of local services, the provisions

of the 'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities', issued by the Department of Housing, Local Government and Heritage, January 2024, the scale, design, layout and density of the proposed development, and to the nature and pattern of development in the vicinity, the EIAR submitted with the application to Dun Laoghaire Rathdown County Council and subsequent Environmental Impact Assessment and Appropriate Assessment Screening in the Inspectors Report , It is considered that, subject to compliance with the conditions set out below, the 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 cultural and built heritage, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, would not have a detrimental impact on residential amenities of existing properties and would be acceptable in terms of pedestrian and traffic safety, it is also consider 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 on the 25th day of November, 2022, as amended by the further plans and particulars received by the planning authority on the 24th July, 2023, and by the further plans and particulars submitted to An Bord Pleanala on the 12th day of October 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The proposed development shall be amended as follows:
 - a) Block E shall be omitted from the scheme in its entirety and the footprint of this Block shall form part of the constituted public open space within the overall development.
 - b) Block F shall be reduced to a maximum of six storeys over basement by the omission of one central level.
 - c) Block B and Block C shall have a maximum height of six-storey over undercroft parking. This shall be achieved by the omission of one central level.
 - d) Resident supports facilities and amenities shall be provided for in a revised Block G at ground floor level.

The development hereby approved contains 387 number dwelling 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 interests of the visual amenity of the streetscape, respecting the primacy of the protected structures on site and protection of the residential amenities of the wider area.

4. Prior to commencement, the developer shall submit to, and agree in writing with, the planning authority, revised drawings and details which demonstrate the required number of the preferred "Sheffield" cycle stands to serve the proposed development in accordance with the requirements outlined within be in accordance with section three and section four of Dún Laoghaire-Rathdown County Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments, January 2018, or any update thereto. In determining the recommended space for bicycle parking a footprint of two metre by one metre is required for two standard bicycles parked at one Sheffield stand in accordance with the Dún Laoghaire-Rathdown County Council standard. The revised drawings and details shall take into account the omission of Block E, and the overall reduction in dwellings permitted.

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

5. The 384 number Build to Rent units hereby permitted 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 (384 number Buy To Rent units)

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 384 number 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. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

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

9. 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.

10. Details of the management and operation, including opening hours, of the community facilities in Dalguise House (café/restaurant) and Block A (creche) shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interest of visual amenity.

11. 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.

Reason: In the interests of permeability and safety.

12. 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.

13. 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 Design Manual for Urban Roads Streets.

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

14. 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 development is made available for occupation.

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

15. 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 Natura Impact Statement;
 - (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 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.

16. Prior to commencement of development, the developer 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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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 interests of sustainable waste management.

17. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
 - (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

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 hours 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/or wastewater connection agreements with Uisce Éireann (formerly 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 interests of public health and surface water management.

21. A minimum of 10% of all communal car parking spaces shall 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 to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

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 the 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 the developer until taken in charge by the local authority or management company.

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

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. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) revised proposals to reinstate the central axis path leading from the avenue to the entrance of the Dalguise House;
- (b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (c) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;
- (d) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (e) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

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 before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In the interest of the preservation of the character and setting of Dalguise House and to ensure the satisfactory completion of the public open space areas, and their continued use for this purpose.

25. (a) All trees shall be inspected by a suitably 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 shall only be carried out in the period between the 1st of September and the end of February, that is, 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:
- (a) (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.
 - (b) The arborist shall
 - (i) 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,
 - (ii) ensure the protection of trees to be retained,
 - (iii) 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.
 - (c) 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.

- (d) 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.
- (e) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees.
- (f) A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.
- (g) 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 and 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 developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

32. (a) A professional with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.
- (b) All works shall be carried out in accordance with best conservation practice and the Department of the Environment Guidelines. The works shall retain the maximum amount of surviving historic fabric in-situ including structural elements shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair and shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.
- (c) All existing original features shall be protected during the course of refurbishment.
- (d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of

historic building fabric.

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 the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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.

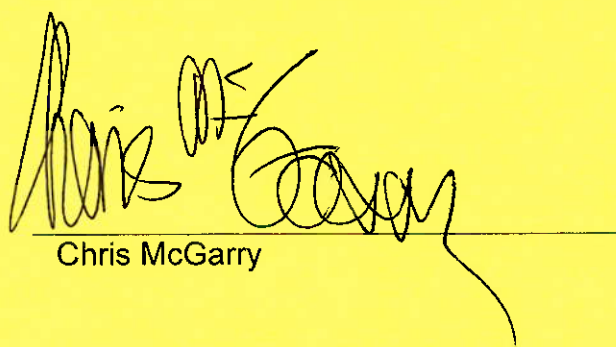
Note 1:

A full assessment of the development having regard to the relevant substantive issues set out in the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', issued by the Department of Housing, Local Government and Heritage, January 2024 (the 2024 Guidelines), has been completed by the Board. The Board also noted that the assessment of the key issues (particularly density, public open space and bicycle parking) by the planning authority and by the Inspector, and the articulation of these issues within all submissions received from parties and observers, have already captured effectively the envelope of content as set out in the 2024 Guidelines. For example, analysis regarding residential density is clearly ventilated already in the full file documentation, including submissions, and the determination of the Board to grant permission for the development (inclusive of conditions) has had full regard to this documentation. The permitted development, subject to the conditions attaching, provides a sufficiency of public open space and provides sufficient quantum and an appropriate physical form of bicycle parking. The 2024 Guidelines do not change the veracity of the submissions and assessment already contained on file and the permitted development is in turn considered to fall within the range of applicable guidance as set out in the 2024 Guidelines.

Having completed an assessment of the full file documentation and having regard to, or applying as appropriate, the relevant provisions of the 2024 Guidelines, the Board has determined that the proposed development, subject to the conditions set out in this Order, is consistent with the proper planning and sustainable development of the area, full regard being had to all relevant Guidelines in place at the time of; the application lodgement; the decision of the planning authority; the assessment of the appeal by the Inspector and at the final determination by the Board, noting specifically the 2024 Guidelines, with which the Board has concluded the development successfully aligns.

Note 2: The Board noted and considered the planning authority correspondence received by An Bord Pleanála on 08/11/2023, notwithstanding the commentary at page 30 of the Inspector's report that no Planning authority response was received. The Board noted that the planning authority response simply states that, *'the grounds of appeal do not raise any new matter which, in the opinion of the planning authority, would justify a change of attitude to the proposed development'*.

Board Member



Chris McGarry

Date: 30/01/2024

