

An
Bord
Pleanála

Board Order
ABP-306949-20

Planning and Development Acts 2000 to 2019

Planning Authority: Dun Laoghaire Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20th day of March 2020 by Lulani Dalguise care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

Proposed Development

A planning permission for a strategic housing development at Dalguise House, Monkstown Road, Monkstown, Blackrock, County Dublin.

The proposed development will consist of a residential development on the lands at Dalguise House (protected structure Register of Protected Structures number 870). The proposed development will comprise of 300 number dwelling units, including the conversion of 'Dalguise House' into two dwellings and a creche, eight new apartment blocks of 276 number units, ranging in height from five to nine storeys and 22 number houses, (including the converted stable yard and refurbishment of an existing gate lodge), within a site area of circa 3.66 hectares, with a gross floor area of 30,587 square metres.

The proposal includes:

- the demolition of an existing modern dwelling, known as the White Lodge, located on the entrance avenue;

- the demolition of a modern swimming pool structure adjoining the east wing of Dalguise House and the removal of a non-original, residential garage structure adjoining the walled garden to the south-west of Dalguise House and the removal of a number of structures to the south of the Walled Garden and creation of new openings in the wall;
- the conversion of Dalguise House to two number houses and a crèche (195 square metres) in the basement;
- the demolition of some structures and conversion of other existing structures within the stable yard to the south-west of the site to one number three-bed house and a garden pavilion;
- the refurbishment of the existing single storey brick gate lodge for use as a single dwelling; the change of use of the existing two-storey gate lodge on Monkstown Road to a concierge / site manager's office;
- 276 apartments in a mix of one, two and three-bed units arranged in eight number blocks around a series of landscaped communal amenity spaces;
- Block A will be seven storeys (six storeys over podium) and consists of 23 number one bed units and a communal room;
- Block B will be eight storeys (seven storeys over podium) and consist of 13 number one-bed units, 17 number two-beds and two number three-beds;
- Block C will be eight storeys (seven storeys over podium) and consist of 13 number one-bed units, 17 number two-beds and two number three-beds;
- Block D will be seven storeys (six storeys over podium) and consist of four number one-bed units, 19 number two-beds and three number three-beds;
- Block E will be nine storeys (eight storeys over podium) and consist of 11 number one-bed units, 19 number two-bed units and two number three-bed units with communal facilities located at podium level including residents' leisure suite, residents business centre and multi-function room;
- Block F will be six storeys and consist of 20 number one-beds, 27 number two-beds and four number three-bed units;

- Block G will be six storeys and consist of 16 number one-bed units, 24 number two-bed units and four number three-bed units;
- Block H will be five storeys and consist of five number one-bed units, 27 number two-bed units and four number three-bed units;
- all apartments will have balconies or terraces, and the balconies or terraces are on all elevations;
- 20 number terrace/semi-detached houses (three number three-bed houses located to the north-west of the site and nine number three-bed houses and eight number four-bed houses located to the south and south-west of the site);
- the relocation and refurbishment of an existing glasshouse/vinery within the site and the removal of an existing greenhouse off site;
- a total of circa 314 number car parking spaces (244 number car parking spaces located in basement and undercroft locations, with 70 number surface parking spaces) and 14 number motorcycle spaces;
- a total of circa 654 number bicycle parking spaces (502 number residential spaces and 146 number visitors' spaces);
- amendments to car parking arrangements granted under register reference: D16A/0724, An Bord Pleanála reference: 248219;
- associated site works including two number Electricity Supply Board substations, plant areas and communal refuse storage facilities.

Vehicular and pedestrian access and egress is facilitated at two points on the Monkstown Road, through the existing Dalguise entrance and Purbeck Lodge, where a new bridge crossing will be provided over the Stradbroke Stream. Future pedestrian accesses are also indicated at boundaries with Arundel, Richmond Park, and the former Cheshire Home site, subject to agreement. The proposed development includes all ancillary site works.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

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 site's location within the administrative area of Dun Laoghaire Rathdown County Council with a zoning objective for residential development;
- (b) the policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022;
- (c) the nature, scale and design of the proposed development;
- (d) the pattern of existing and permitted development in the area;
- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (and Interim Advice note Covid 19 May 2020).
- (h) 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;

- (i) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (j) the Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- (k) the submissions and observations received.
- (l) the Dun Laoghaire Rathdown Chief Executive Report dated 9th July 2020.
- (m) the report and recommendation of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information for the Screening Report for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area, and
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current Dun Laoghaire Rathdown County Development Plan 2016-2022 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed strategic housing development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the Building Height Strategy of the Plan with respect to building height limits. The Board considers that, having regard to the provisions of section 37(2)(b) (i), (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

- (a) The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.
- (b) It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 13 and 35) and the Urban Development and Building Height Guidelines for Planning Authorities, in particular Specific Planning Policy Requirement 1 and Specific Planning Policy Requirement 3.
- (c) Having regard to the pattern of existing and permitted development in the vicinity of the proposed development site since the Development Plan was adopted.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i), (iii) and (iv) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. Furthermore, the Board was satisfied that any potential issues/concerns relating to ecology (specifically heronry) could be adequately mitigated subject to conditions (as recommended by the relevant prescribed body). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted, but did not accept fully the opinion of the planning authority in its Chief Executive's Report and that of the inspector in her report, that the omission of two floors from Blocks B, C and E would be necessary with regard to visual impact on the setting of protected structures and the surrounding environment. The Board considered the location of the site, which is set back from the public road, the topography of the area and the location of the blocks, the form and disposition of blocks on the site, their distance from existing buildings in the vicinity and on the site, and the quality of the design presented. The Board concluded that subject to the omission of one intermediate floor, (i.e. floor 4) from each of Blocks B and C, the resulting six storey apartment buildings with seventh storey set back floors, would be acceptable and in compliance with the Ministerial Guidelines based on the site context and layout. The Board further considered that the design, scale and massing of Block E, its position in a formal relationship with, distance from, and location to the north of the protected structure of Dalguise House, is a well-conceived and appropriate design response and further concluded that the omission of two storeys from Block E is unnecessary with regard to impact on the protected structure and its setting, and on the surrounding environment.

In not accepting the Inspectors recommendation with regard to the omission of Block F and its replacement with a mirrored Block G, the Board considered that the differences in the form and design of each of Blocks G and F, in the context of the asymmetry of the protected structure itself, were appropriate, that Block F would be sufficiently distant from Dalguise House and would not create a negative impact on the protected structure.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) Block B reduced in height by one floor (omission of level 4).
- (b) Block C reduced in height by one floor (omission of level 4).
- (c) The extension of the proposed future pedestrian routes/cyclist permeability links to the Cheshire Homes site, Arundel and Richmond Park, right up to the site boundary, provide a gate in the development's proposed inner boundary treatments, as indicated on drawing: Proposed Site Plan, drawing number 433-SHD-00-03 Rev: C, to allow for the potential future pedestrian/cyclist links.

Revised plans and particulars shall be submitted to and agreed in writing with the planning authority prior to commencement of works.

Reason: In the interest of visual harmony, architectural conservation and the proper planning and sustainable development of the area.

3. This permission is for 266 number apartments, 20 number new houses, four number dwellings to be provided within converted structures, and a creche only.

Reason: In the interest of clarity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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 development 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.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

(a) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(b) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.

(c) Cycle tracks/paths within the development shall be in accordance with

the guidance provided in the National Cycle Manual.

- (d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) The developer shall carry out a Stage 2 and Stage 3 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.

Reason: In the interests of traffic, cyclist and pedestrian safety.

- 10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 314 number clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

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

11. 654 number bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

12. Prior to the opening/occupation of the development, 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 and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

13. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points 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.

14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and surface water management.

15. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

16. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Arboricultural Report and accompanying documents. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. 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. The certificate shall be submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

17. The mitigation measures outlined in the Ecological Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment and in the interest of wildlife protection.

18. Prior to the commencement of development, a grey Heron Conservation Plan for the Dalguise site shall be drawn up by the applicant, in consultation with the planning authority, and submitted for the written agreement of the planning authority. This plan should provide for the long term protection of all four existing heron nest trees on the site and in line with the proposal in the submitted Ecological Impact Assessment set out detail of the timing of clearance work on site to avoid heron nesting season from February to June, the establishment of exclusion zones around nest trees during construction, the employment of an ecologist with ornithological experience to supervise all works in the vicinity of the heron trees, including arboricultural and landscaping works, and to monitor the heron population during both the construction phase and the early years of occupation of the proposed development; the identification number by which each of the four trees containing heron nests are referred to in the Tree Data Table in the submitted Arboricultural Report should also be included in this conservation plans and any arboricultural works required to preserve these trees; in addition any modification of the currently proposed road and parking layout required to retain the heron nest trees shall be agreed in writing with the planning authority.

Reason: To protect heron nests on the development site, which are of county level nature conservation importance, both during the construction of the proposed development and into the future.

19. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

20. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

22. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;

- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority details and methodology for the rock extraction and excavation works. This shall include timeframes and proposals to deal with vibration and noise.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

24. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

25. Details of the proposed signage for the creche to be submitted prior to occupation for the written agreement of the planning authority.

Reason: in the interests of proper planning and sustainable development.

26. The developer shall ascertain and comply with all requirements of the planning authority in relation to conservation matters and works to protected structures. In that regard:

- (a) Prior to the commencement of development, the applicant shall submit proposals for the relocation of the second glasshouse within the site and its integration into the overall scheme, unless otherwise agreed in writing with the planning authority.
- (b) All repair works shall be carried out in accordance with best conservation practice and the department of Culture, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities'
- (c) All works are to be carried out under the professional supervision of an appropriately qualified person with specialised conservation expertise who shall manage, monitor and implement the works on site and to ensure adequate protection of the retained and historic fabric and to certify upon completion that the specified works have been carried out in accordance with good conservation practice.

Reason: in the interest of architectural conservation.

27. Prior to the commencement of development, the following shall be carried out and a report submitted to the planning authority for written agreement:

- (a) An Archaeological Impact Assessment shall be complied, the developer shall engage the services of a suitably qualified Archaeological to carry out an archaeological assessment of the development site. No sub-surface work shall be undertaken in the absence of the Archaeologist without his/her express consent.
- (b) The Archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the Archaeologist (licensed under the National Monuments Act 1930-1994), having consulted the site drawings.
- (c) Having completed the work, the Archaeologist shall submit a written report to the planning authority. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

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

28. Prior to the commencement of development, the applicant shall submit the following for the written agreement of the planning authority:

- (a) Confirmation from the authors of the Flood Risk Assessment that the impacts, if any, of the proposed raised walkway have been considered in its preparation.
- (b) A construction management plan, and programme of works, that provide for the completion of the proposed flood storage works and flood routing works in advance of other construction works, or other acceptable temporary proposal(s) supported by hydraulic analysis, such as can be clearly demonstrated that the full flood storage volumes and flood routes area available at all stages of the proposed development. The applicant shall thereafter, unless otherwise agreed with the planning authority, be

required to construct the works in accordance with the agreed construction management plan.

- (c) Confirmation that the allowable outflow from the upper catchment is restricted to 8.93l/s together with revised drawings showing this figure to 8.93l/s. The applicant shall also submit a revised proposal for the flow control device such that the head/flow curve matches the potential head (depth) of water in the tank, to provide a penstock in the Aco Q-Brake Vortex flow control device chamber and ensure that the flow control device provided does not have a bypass door.
- (d) A calculation methodology for the design of the storage requirements and outflow restrictors for the proposed green/blue roofs that satisfies the requirements of the planning authority.
- (e) Details of construction plan and post construction maintenance of the green/blue roofs.
- (f) A stage 2 – Detailed Design Stormwater Audit.
- (g) Confirmation from the chosen manufacturer of the storage system in the lower catchment that the specific model chosen, with the depth of cover being provided, has the required load bearing capacity to support vehicular traffic loading that may be imposed upon it.
- (h) An assessment of risk of the potential flotation of the attenuation storage system in the lower catchment, and if such risk exists to submit proposal for counteracting the risk.

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

29. 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 development plan of the area.

30. 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.

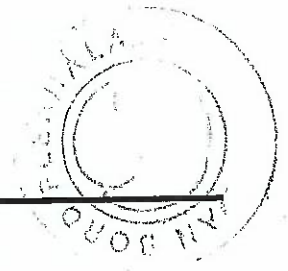
31. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.


Michelle Fagan

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 25th day of August 2020



DECISION QUASHED