

An  
Bord  
Pleanála

**Board Order**

**ABP-317346-23**

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**Planning and Development Acts, 2000 to 2022**

**Planning Authority: Fingal County Council**

**Application** by the Fingal County Council, care of Brady Shipman Martin of Mountpleasant Business Centre, Ranelagh, Dublin for approval under section 175 of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report lodged with An Bord Pleanála on the 7<sup>th</sup> day of June 2023.

**Proposed Development:** The development will consist of the following:

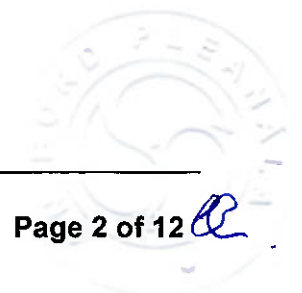
1. The construction of:
  - (a) 121 number two and three storey houses (34 number two beds, 76 number three beds, & 11 number four beds), and
  - (b) 3 number four storey apartment blocks with balconies on all elevations, green roofs, and external amenity courtyards, providing a total of 96 number units (36 number one beds, 56 number two beds, & 4 number three beds).
2. Landscape works including:
  - (a) provision of Class 2 open space of 7,600 square metres, private communal open space of 725 square metres, playgrounds and kick about areas,

- (b) new pedestrian and cycle connections to Damastown Avenue to the north, to the new Church Fields footpath cycleway to the east, and to the linear park to the south, and
  - (c) a new pedestrian connection to Church Road and to Mulhuddart Cemetery on Church Road.
3. 306 number car parking spaces (263 number residential and 43 number visitor spaces), including 15 accessible spaces, and 897 number bicycle parking long term and short-term spaces, including 6 number external bike stores providing 300 bicycle spaces for the apartments, and 16 number free-standing bike bunkers accommodating 96 number bicycle spaces for mid-terrace houses.
  4. A temporary construction access to the site from Damastown Avenue.
  5. Associated site and infrastructural works include provision for water services, foul and surface water drainage and associated connections to the permitted Church Fields Housing and Eastern Linear Park scheme (as permitted under planning register reference PARTXI/012/21), and Sustainable Drainage Systems, including permeable paving, green roofs and swales. The proposed development includes for proposed surface water drainage which is amended from that permitted under Church Fields Housing and Eastern Linear Park development.
  6. The proposed application includes all site enabling and development works, landscaping works, photovoltaic panels, bins stores, plant, storage, boundary treatments, Electricity Supply Board substations, lighting, servicing, signage, and all site development works above and below ground.

All located in the townland of Church Fields East, Mulhuddart, Dublin.

### **Decision**

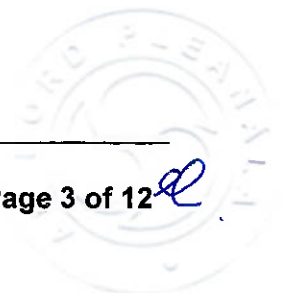
**APPROVE** the above proposed development based on the reasons and considerations under and subject to the conditions set out below.



## Reasons and Considerations

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

- (a) the location of the site in an established urban area and the zoning of the site for residential uses,
- (b) the policies and objectives of the Fingal County Development Plan 2023-2029,
- (c) 'Housing for All – A New Housing Plan for Ireland' issued by the Department of Housing, Local Government and Heritage in September 2021,
- (d) the National Planning Framework which identifies the importance of compact growth,
- (e) the Climate Action Plan 2023 prepared by the Government of Ireland,
- (f) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, .
- (g) the Greater Dublin Area Transport Strategy 2022-2042 prepared by the National Transport Authority,
- (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) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (j) Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage in July 2023,
- (k) Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities, issued by the Department of the Environment, Heritage and Local Government (2007),

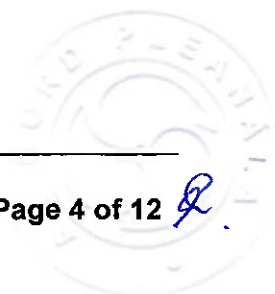


- (l) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in 2019,
- (m) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009,
- (n) the nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure,
- (o) the pattern of existing and permitted development in the area,
- (p) the submissions and observations received, and
- (q) the report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

**Appropriate Assessment:**

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 area, the nature of the receiving environment, the distances to the nearest European Sites and pathway considerations, the Appropriate Assessment Screening document 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**

The Board completed an environmental impact assessment of the proposed development, taking into account the following:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from prescribed bodies in the course of the application, and
- (d) the Inspector's report.

### **Reasoned Conclusion on Significant Environmental Effects:**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU.

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

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Positive socioeconomic effects on population and human health associated with increased employment and demand for services during the construction phase, and the availability of additional housing when complete. The potential for

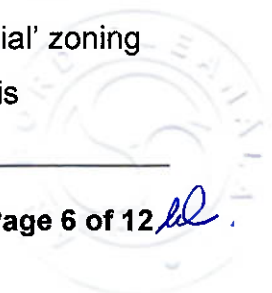
significant negative human health effects associated with nuisance/disturbance during the construction phase will be addressed through construction management mitigation measures and will not result in any unacceptable residual effects.

- Potential significant climate effects related to greenhouse gas emissions and climate change vulnerability. Mitigation measures including energy efficiencies, landscaping, and sustainable drainage design have been incorporated into the design of the development to ensure that there will be no unacceptable residual climate effects.
- Potential significant noise effects at construction stage which will be mitigated through construction management measures to ensure that there will be no unacceptable residual effects.
- Potential significant waste-related effects at construction and operational stage. These effects will be suitably addressed through construction waste management measures and an operational waste management plan, and there will be no unacceptable residual effects relating to waste.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the proposed mitigation measures set out in 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 in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would comply with the policies and objectives of the Fingal County Development Plan 2023-2029, including the 'RS – Residential' zoning for the site, would constitute an acceptable quantum of development on this



greenfield site in a suburban/intermediate location which would be served by an appropriate level of public transport and social/community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding, or increase the risk of flooding to other lands, and would be capable of being adequately served by wastewater, surface water, and water supply infrastructure.

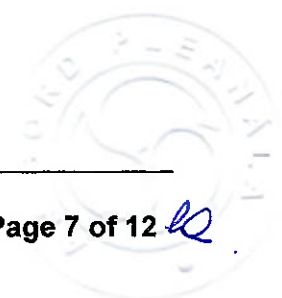
### Conditions

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

**Reason:** In the interest of clarity.

2. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 22 of the Environmental Impact Assessment Report 'Mitigation Measures and Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

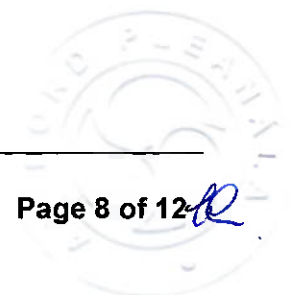


3. Prior to the commencement of development, the local authority or any agent acting on its behalf shall demonstrate proposals for the following, which shall be placed on file and retained as part of the public record:
- (a) The provision of accessible and age-friendly units to comply with Objectives SPQHO22 and DMSO37 of the Fingal County Development Plan 2023-2029,
  - (b) Proposals to provide storage facilities to cater for cargo bikes and adaptable bicycles to cater for those with disabilities,
  - (c) The provision of playground facilities and equipment to comply with Objectives DMSO68 and DMSO69 of the Fingal County Development Plan 2023-2029,
  - (d) The provision of public open space to comply with Objective DMSO51 of the Fingal County Development Plan 2023-2029 to include appropriate public seating provision. Proposals in this regard shall demonstrate that any additional space to be provided outside the site boundaries is solely attributable to the proposed development and is not required as public open space for any other development.

**Reason:** To ensure a satisfactory standard of development including open space and play facilities, and to ensure that the development is accessible to all users.

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

**Reason:** In the interest of visual amenity.





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

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

6. Proposals for a development name and numbering scheme and associated signage shall be prepared by the local authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

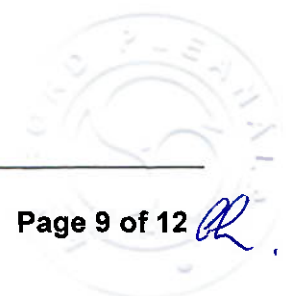
**Reason:** In the interests of urban legibility.

7. The proposed public lighting scheme shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interests of amenity and public safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the local authority, or any agent acting on its behalf, to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.



9. The local authority, or any agent acting on its behalf, shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site in accordance with the mitigation measures outlined in Chapter 15 of the Environmental Impact Assessment Report submitted with the application. These details shall be placed on file and retained as part of the public record. The local authority, or any agent acting on its behalf, shall also employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site, carry out pre-development archaeological testing, and monitor all site development works.

The assessment shall address the following issues:

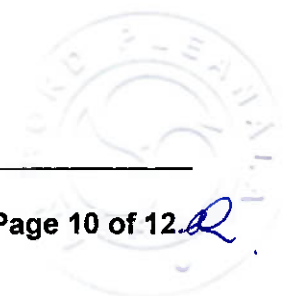
- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment shall be prepared and, arising from this assessment, the local authority shall outline details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.



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

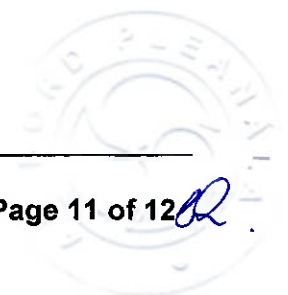
**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0700 to 1300 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances.

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

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

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



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

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



The image shows a handwritten signature in blue ink over a circular seal. The seal contains the text 'BORD PLEANÁLA' around the perimeter and a stylized logo in the center. A horizontal line is drawn across the signature and seal.

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

Dated this 17<sup>th</sup> day of November 2023