

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: LRD22A/0930.

Appeal by GEDV Monkstown Owner Limited care of Tom Phillips and Associates of 80 Harcourt Street Dublin against the decision made on the 15th day of September, 2023 by Dún Laoghaire-Rathdown County Council to refuse a permission for the proposed development.

Proposed Development: The development, with a total gross floor area of approximately 46,940 square metres (including a basement of 5,230 square metres and undercroft parking of 1,344 square metres) (of which some 45,712 square metres is new build, and 1,228 square metres retained existing buildings), will consist of the construction of 491 number residential units, consisting of 484 number new build and seven number residential units, the latter within existing structures (repurposed from Dalguise House, Gate Lodge (Brick Lodge) and Coach House.

The residential provision will comprise: three number two-storey three-bed terraced houses (gross floor area 569 square metres), and 488 number build to rent units (consisting of two number studio units; 288 number one-beds; 32 number two-beds/three persons; 153 number two-beds/four persons and 13 number three-beds) (with an option for the use of four number of the build to

rent units to cater for short-term stays of up to 14 days at any one time to cater inter alia for visitors and short-term visits to residents of the overall scheme), residential amenities and residential support facilities; a childcare facility; and restaurant/café. The development will consist of: the demolition and partial demolition of existing structures (total demolition area 967 square metres, comprising: two residential properties (White Lodge (A94 V6V9), a two-storey house (192 square metres); and a residential garage (A94 N3A1) and shed to the southwest of Dalguise House (285 square metres); swimming pool extension to the southeast of Dalguise House (250 square metres); lean-to structures to the south of the walled garden (142 square metres); part-demolition of lower ground floor at Dalguise House (nine square metres); single storey extension to the south of the Coach House (29 square metres) and three ancillary single-storey structures (eight square metres, eight square metres and 31 square metres) within the yard; potting shed (13 square metres); removal of two number glasshouses and alterations to, including the creation of three number opes and the removal of a 12.4 metre section of the walled garden wall to the east); the construction of: 11 number residential blocks (identified as: Block A (total gross floor area 2,015 square metres) seven-storey, comprising 19 number apartment units (15 number one-beds, four number two-beds) and a childcare facility (540 square metres over ground and first floor levels); Block B (total gross floor area 3,695 square metres) seven-storey over undercroft car parking, comprising 48 number apartment units (33 number one-beds, six number two-beds/three persons, nine number two-beds/four persons); Block C (total gross floor area 3,695 square metres) seven storey over undercroft car parking, comprising 48 number apartment units (33 number one-beds, six number two-beds/three persons, nine number two-beds/four persons); Block D (total gross floor area 4,150 square metres) seven storey over basement level car park, comprising 50 number apartment units (24 number one-beds, 26 number two-beds); Block E (total gross floor area 5,904 square metres) nine-storey over basement level car park, comprising 66 number apartment units (40 number one-beds, 26 number two-beds), with residents' support facilities (75 square

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metres) and residents' amenities (gym, yoga studio, residents' lounge/co-working space; lobby 494 square metres) at ground floor level and residents' amenities (residents' lounge; games room; screen room; private lounge; kitchen 333 square metres) with roof terrace (106 square metres) at eighth floor level; Block F (total gross floor area 5,469 square metres) seven storey over basement level car park, comprising 76 number apartment units (46 number one-beds, five number two-beds/three persons, 23 number two-beds/four persons, two number three-beds); Block G (total gross floor area 5,469 square metres) seven-storey over basement level car park, comprising 76 number apartment units (46 number one-beds, five number two-beds/three persons, 23 number two-beds/four persons, two number three-beds); Block H (total gross floor area 4,252 square metres) five-storey over lower ground floor, comprising 54 number apartment units (30 number one-beds, five number two-beds/three persons, 17 number two-beds/four persons, two number three-beds); Block I1 (total gross floor area 1,038 square metres) three-storey, comprising 12 number apartment units (three number one-beds, two number two-beds/three persons, seven number two-beds/four persons); Block I2 (total gross floor area 1,038 square metres) three-storey, comprising 12 number apartment units (three number one-beds, two number two-beds/three persons, seven number two-beds/four persons); and Block J (total gross floor area 1,844 square metres) four-storey, comprising 20 number apartment units (13 number one-beds and seven number three-beds); the refurbishment, adaptation and reuse of two storey Dalguise Lodge (Entrance Lodge) (gross floor area 55 square metres) comprising residential support facilities; a single storey Gate Lodge (gross floor area 55 square metres) comprising one number one-bed unit; and two-storey Coach House and single storey Stableman's House (gross floor area 319 square metres) to provide three number apartment units (one number one-bed, two number two-bed/four persons); the refurbishment, adaptation and change of use of Dalguise House (gross floor area 799 square metres) from a single residential dwelling to provide: three number apartment units (two number studios and one number two-bed/three person) at first floor level; a restaurant/cafe at lower ground

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floor level (gross floor area 273 square metres); and residents' amenities at ground floor level (library, residents' lounge, events space, bar/bookable room, 157 square metres); works to the existing structures include: removal of existing internal partitions and doors, alterations to internal layout including provision of new partitions and doors to Dalguise Lodge (Entrance Lodge); the removal of the western chimney and chimney breast, removal of existing internal partitions and doors, and alterations to internal layout including provision of new partitions and doors to Gate Lodge (Brick Lodge); replacement of existing roof, windows and doors, non-original mezzanine floor and stairs of Coach House, creation of new internal and external opes, reconstruction of chimney, construction of new stairs, provision of new internal partitions and doors, replacement of the demolished single storey structure to south of Coach House with a 42 square metre single storey extension, including construction of a link between Coach House and Stableman's House; replacement of existing roofs, windows, doors, creation of new external opes and provision of new internal partitions and doors to Stableman's House; restoration of Coach House yard walls; removal of security bars from windows, internal partitions, doors, two secondary staircases, non-original fireplaces; and the reconfiguration of internal layout including introduction of new partitions, doors and fireplaces, in-fill of former secondary staircases; removal of an existing window at rear facade of lower ground level, alterations to ope and replacement with a new external door; reinstatement of external wall fabric in place of demolished lean-to at the rear facade; and removal of external door to swimming pool on eastern facade and closure of ope at Dalguise House).

The development will also consist of: the construction of a garden pavilion; the provision of balconies and terraces, communal open space including roof gardens, public open spaces, hard and soft landscaping, landscaping works including the removal of trees, alterations to boundaries; the provision of: 224 number car parking spaces (148 number at basement level, 20 number at undercroft and 56 number at surface level); motorbike spaces; level changes; ESB substations (at Block D and Block H); plant areas; waste storage areas;

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provision of cycle parking (including cargo bike spaces) at basement and surface level and all ancillary site development works above and below ground. Provision is made in the landscaping proposals for potential future pedestrian and cycle connections that would facilitate permeability through the site boundaries with the residential estates of Arundel and Richmond Park, respectively, and the former Cheshire Home site, subject to agreement with those parties and/or Dún Laoghaire-Rathdown County Council, as appropriate, all on a site of circa 3.58 hectares at Dalguise House (protected structure Recorded Protected Structure number 870), Monkstown Road, Monkstown, County Dublin, A94 D7D1 (the lands include the following structures identified as garage (A94 N3A1); Gate Lodge (aka Brick Lodge) (A94 R9T1); Dalguise Lodge (aka Entrance Lodge) (Number 71 Monkstown Road, A94 TP46); White Lodge (A94 V6V9)) and on-street car parking in front of Numbers 6 and 7 Purbeck (A94 C586 and A94 HT99, respectively), with the provision of vehicular and pedestrian access and egress at two points on Monkstown Road: the existing entrance to Dalguise; and at Purbeck. Alterations will be made at Purbeck including the relocation of four number existing car parking spaces to facilitate the construction of a new vehicular and pedestrian bridge over the Stradbroke Stream. The proposed development was revised by further public notices received by the planning authority on the 24th day of July 2023.

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.

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 Dún 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;
- (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 the Environment, Community and Local Government, 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' guidelines(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 Environmental Impact Assessment Report submitted with the application;
- (r) the grounds of appeal received;
- (s) the observations received;
- (t) the submission from the planning authority; and
- (u) the report of the Planning Inspector,



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 Dún 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 Planning 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.

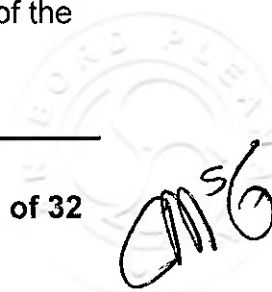


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- A positive effect on Cultural and Social Heritage as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and the active re-use of Dalguise House as a public café.
- Traffic and Transportation 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 Environmental Impact Assessment Report has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

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



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 Dún 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', prepared 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 Dún 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 constitute an acceptable residential density, not seriously injure the residential or visual amenities of the area or of property in the vicinity, 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 the residential amenities of existing properties and would be acceptable in terms of pedestrian and traffic safety, it is also considered 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 Pleanála 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.

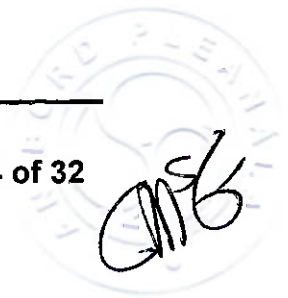
Reason: In the interest of protecting the environment and in the interest of public health.

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.

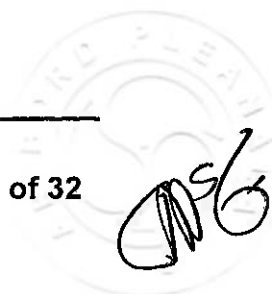
Reason: In the interests of permeability and safety.

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.

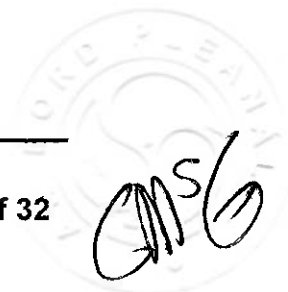
Reason: In the interests of amenity and of traffic and pedestrian safety.



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;

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- (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.

A handwritten signature in black ink, appearing to be 'MSB', is located in the bottom right corner of the page. It is written over a faint circular stamp that contains the text 'AN BORD PLEANÁLA' around the perimeter.

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.

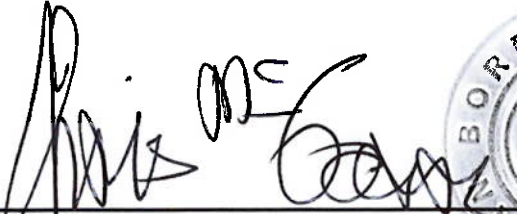
36. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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.

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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.


Chris McGarry

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

Dated this 9th day of February 2024.