



An
Bord
Pleanála

Inspector's Report ABP-303362-19

Development	Construction of 15 residential units and associated site development works. New footpath and public lighting.
Location	Site bounded by Kingswood Castle to the east, Ballymount Park to the north, and Ballymount Road to the south, Kingswood, Dublin 24.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD18A/0274.
Applicant(s)	Jackie Green Construction.
Type of Application	Permission.
Planning Authority Decision	Permission subject to conditions.
Type of Appeal	Third Party V. Decision.
Appellant(s)	Olive O'Malley and Anthony McDevitt.
Observer(s)	None.
Date of Site Inspection	25 th March 2019.

Inspector

Susan McHugh

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1.0 Site Location and Description

- 1.1. The site is located in a residential area of Ballymount Road, Kingswood, Dublin 24. The overall area is bounded by the Western Parkway Motorway M50 and Red Luas line to the east, the R838 road and Red Luas line to the south, the Belgard Road R113 to the west and Ballymount Park to the north.
- 1.2. The housing developments of Sylvan, Dunmore and Kingswood are generally two storey detached and semi-detached dwellings.
- 1.3. The appeal site is located at the end of a cul-de-sac with access from Ballymount Road, which became a cul-de-sac upon completion of the M50 motorway. There is a wide grass verge along the northern section of the road which does not have the benefit of footpaths or road markings. A development site to the south of Ballymount Road is currently under construction.
- 1.4. House No's 66-82 Kingswood Castle back onto Ballymount Road, including house No. 76 home to the appellants. The site is bounded by the Red Luas line and the M50 to the east, and to the south by unkempt open space. To the west of the site lie the rear gardens of dwellings No's 25-35 Kingswood Castle, public open space and the side garden of house no. 82 Kingswood Castle. Detached dwellings lie to the west and south of the Ballymount Road.
- 1.5. The site is currently grassland/scrubland that is largely overgrown and includes waste material. It is stated as being 0.18 hectares in area and is relatively level. The site is raised above the level of the M50 and Luas line and adjoining residential development to the east.

2.0 Proposed Development

- 2.1. Permission is sought to construct 15 no. 2 storey 3 and 4-bedroom dwellings.
- 2.2. The dwellings are laid out in two terraces of 4 dwellings, and are back to back. The first terrace at the entrance to the scheme is roughly in line with existing houses along Kingswood Castle and face south onto Ballymount Road. The second terrace presents as a gable onto the existing public open to the west and faces north. The remaining 7 no. houses located on the northern part of the site comprise 5 houses

which back onto existing dwellings to the west with two detached houses to the north of the site.

- 2.3. Works include new shared surfaces, boundary walls and associated works. Each dwelling includes 2 no. off-street car parking spaces, and all floor and storage areas are above minimum standards for three and four-bedroom dwellings. Each 3 bed unit is between 114.4sq.m and 119.4sqm in area and 4 bed units are 135.54sq.m in area.
- 2.4. The external finishes proposed comprise a mixture of brick and render with timber windows, and houses include solar panels.
- 2.5. Access to the development is via the existing Ballymount Road which it is proposed to widen to 5.5m and provide a pedestrian footpath of 2m wide and public lighting along the length of the upgraded section from the junction of Kingswood Castle/Sylvan Avenue.
- 2.6. It is proposed to provide a pedestrian/cycle connection through the site between the Old Ballymount Road and Ballymount Park. It is also proposed to provide a pedestrian connection between the adjoining Kingswood Castle estate and the subject site.
- 2.7. Public open space is provided in a linear strip along the western boundary and a smaller pocket within the centre of the scheme.
- 2.8. The application was accompanied by the following;
 - Engineering Report
 - Acoustic Report
 - Landscaping Plan
- 2.9. Further information was requested on the 24th September 2018, and a response was received by the P.A. on the 1st November 2018.
- 2.10. The application was accompanied by the following;
 - Landscape Design Rationale and Landscape Proposals
 - Preliminary Ecological Appraisal for Bats
 - Public Lighting Report

- Drainage /Water Services and Flood Risk Assessment
- Revised Engineering Report

2.11. The scheme was amended to include change of House Type to unit no. 8 (to a B2) which includes windows and entrance on the gable providing active frontage and passive surveillance over Kingswood Castle. Revisions to D1 House Type to include windows in the gable to enable further passive surveillance.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **grant** permission for the development subject to 17 no. conditions. Conditions of relevance to the current appeal include the following;

Condition no. 6 Pedestrian and cyclist link requirements between the Old Ballymount Road and Ballymount Park, including the proposed pedestrian/cycle link along the northern boundary with Ballymount Park, and the Pedestrian and cyclist movement through the application site to Kingswood Castle park to the west.

Condition no. 7 Landscaping requirements along the eastern boundary of the site with the Luas line.

Condition no. 8 Landscaping requirements including (b) the acoustic fence along the eastern boundary of the site with the Luas line (c) the proposed pedestrian/cycle link along the northern boundary with Ballymount Park.

Condition no. 14 Operational noise requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 24/09/2018 and 28/11/2018)

The Planner's Report is the basis for the Planning Authority's decision. It includes:

- Zoning of area is 'RES – To protect and/or improve Residential Amenity'.
Proposal is acceptable in principle.

- Proposed open boundaries allowing through access for pedestrians and cyclists between Ballymount Road/Forest Lawn and Ballymount Park complies with the Proposed Local Cycle/Pedestrian Link that is designated under the County Development Maps.
- *Reasons for refusal* - No's 1, 2, and 4 under SD17A/0146 have been successfully addressed. Recommends further information in relation to addressing reason for refusal no 3 in relation to provision of private open space.
- *Design and Layout* - Notes layout of dwellings on the site as being limited due to the narrow rectangular shape of the site, and the topography of the site which varies particularly in the south-east section of the site while it levels out in a westward direction. Recommends details of site sections be submitted and redesign of Unit No. 8 in order to enhance passive surveillance of adjacent public open space.
- *Density* - Is 28.8 units per hectare which is considered to be acceptable.
- *Public Open Space* – Shortfall in provision but notes proximity to Ballymount Park directly north of the site and Kingswood Castle east of the site. Considers the shortfall in open space is acceptable, but considers the applicant should be requested to submit details of the pedestrian/cycle links to adjoining public open spaces.
- *DMURS* - Notes proposal does not comply with standards as set out in the DMURS Guidelines, in particular in relation to the 6m wide shared surfaces at the northern end of the site.
- *Pedestrian/Cycle Connectivity* – Notes that details relating to the proposed link to Ballymount Park have not been provided and require further details in relation to possible pedestrian connection to the west of the site. Unit No. 8 fails to provide active frontage/passive surveillance on the west elevation.
- *Refuse Storage* – Require details on proposed refuse storage to mid terrace houses.
- Notes Site Waste Management Plan and Inward Noise Impact Assessment prepared by AWN Consulting.

- *Part V* – Notes 2 no. dwellings identified as the Part V provision.
- Requests additional information in respect of roads and access, water services, public open space and landscaping, topography, proposed connectivity – pedestrian/cycle links design, active frontage (Unit 8), DMURS, Ecology, refuse storage and energy efficiency in new build design.
- Following the applicant's response and submission of site section drawings, revised house type From B1 to B2, site layout and road layout drawings, Landscaping Plan, Bat Survey, acoustic report, it is considered that the proposal is acceptable and that the opening of a pedestrian link with the existing community in Kingswood Castle would be appropriate.
- the Planner recommends that permission should be granted subject to conditions.

The decision was in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- **Roads Section:** Following response to Further Information, no objection subject to conditions.
- **Surface Water Drainage:** Following response to Further Information in relation to surface water attenuation, no objection subject to conditions.
- **Parks and Landscaping Services Department:** Recommends that landscape details be submitted and a Bat Survey be undertaken. Following response to Further Information, no objection subject to conditions.
- **Housing Section:** No objection subject to conditions
- **HSE Environmental Health Officer:** Notes noise survey and recommends no objection subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

3.4. Third Party Observations

There were a number of third party objections submitted. Issues raised in the objections can be summarised as follows;

- Possible pedestrian link
- Open Space
- Luas and M50
- Noise
- Boundary Treatments
- Safety
- Residential Amenity

4.0 Planning History

Appeal Site

4.1. **P.A. Reg. Ref. SD17A/0146** Permission **refused** 27/11/2017 for construction of 15 residential units comprising the following: 2 two storey four bed detached/semi-detached houses, 10 two storey three bed detached/semi-detached houses, 2 two storey three bed end terrace houses, 1 two storey three bed mid terrace house, all with associated car-parking.

4.1.1. Access to the site was from the west via the Kingswood Castle estate, across public open space from Kingswood Castle and a pedestrian/cyclist connection to the development from Ballymount Park and the existing cul de sac onto Ballymount Road to the south was proposed including all associated landscaping and site development works.

The applicants Jackie Greene Construction Ltd were the same as in the subject application and appeal.

The four no. reasons for refusal included the following;

1. Failure to demonstrate sufficient legal consent to undertake works to and provide access across the area of existing open space proposed as the main access route to the site.
2. Proposed access arrangements across existing public open space in the Kingswood Castle Development, unacceptable and would materially contravene the zoning objective for that section of the site zoned Open Space.
3. Noncompliance with private open space requirements for three-bedroom dwellings as per Section 11.3.1 of the South Dublin County Development Plan.
4. Lack of proposals to access the site from the south and upgrade the Ballymount Road.

Adjoining Sites to the South of and with Access from Ballymount Road

Forest Lodge

P.A. Reg. Ref. SD17A/0419 ABP Ref. PL06S.301695: Permission **granted** September 2018 for 7 terraced 2 storey dwellings.

P.A. Reg. Ref. S00A/0483 ABP Ref. PL06S.121620: Permission **refused** October 2000 for 12 no. apartments and 2 no. bungalows.

Green Gables, Gort Na Blath and Castle View

P.A. Reg. Ref. SD07A/0931/EP: Permission **granted** November 2013 for Extension of Duration of Permission. This permission is currently being implemented on site.

P.A. Reg. Ref. SD07A/0931 ABP Ref. PL06S.229268: Permission **granted** May 2009 for construction of 25 no. dwellings.

5.0 Policy and Context

5.1. South Dublin County Development Plan 2016 – 2022

5.1.1. **Chapter 2** of the Plan refers to Housing, **Chapter 3** refers to Community Infrastructure, and Chapter 11 refers to Implementation.

5.1.2. Housing **(H) Policy 6** Sustainable Communities states:

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

H8 Objective 6 states:

To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County.

Section 2.3.2 refers to Public Open Space. **Housing (H) Policy 12** Public Open Space states:

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

H15 Objective 2 Privacy and Security states:

To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and spaces.

5.1.3. **Section 2.4.0** refers to Residential Consolidation – Infill, Backland, Subdivision & Corner sites. The subject site is considered to be an infill site. Housing **Policy 17** states that “*It is the policy of the Council to support residential consolidation and*

sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County”.

H17 Objective 3 states:

To maintain and consolidate the County’s existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

- 5.1.4. **Section 3.13.0 of Chapter 3** refers to Open Space Management & Use. It states ‘*Open space and recreational facilities are central to the delivery of sustainable communities. The Council is committed to maximising the leisure and amenity resource offered to the communities of South Dublin through its parks and open spaces*’.
- 5.1.5. **Section 11.3.1 of Chapter 11** refers to land uses. Section (v) specifically refers to privacy. It states that ‘*A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy*’.
- 5.1.6. **Section 11.3.2(i)** refers to Infill Sites. It states (inter alia) ‘*Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park*’.
- 5.2. **Guidelines for Treatment of Noise and Vibration in National Road Schemes (NRA, 2014)**

These guidelines recommend design goals of for noise sensitive receptors such as residential dwellings. They state that the noise level due to road traffic noise at the façade of a noise sensitive building must not exceed 60dB L_{den}.

5.3. Natural Heritage Designations

The following European Designated sites are in the vicinity of the appeal site.

Description	Designation	Site Code	Distance
Glenasmole Valley	SAC	001209	6km S
Wicklow Mountain	SAC	002122	7km S
Wicklow Mountains	SPA	004040	8km S
South Dublin Bay	SAC	000210	13.5km NE

5.4. EIA Screening

- 5.4.1. Having regard to the nature the proposed development, which consists of a residential development of 15 no. units, the nature of the receiving environment, and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. One third party appeal has been received from residents of house no. 76 Kingswood Castle, to the west of the site. In summary it includes:
- *Assessment by SDCC* - Incorrect description of the site by South Dublin County Council which refers to Kingswood Castle to the east which should refer to the Luas line and M50 to the east. Reference in planners report to no further submissions or observations being received in relation to the further information, despite the fact that it was not possible to make further submissions.
 - *Noise Pollution* – Concern regarding noise pollution and noise levels given its proximity to the M50 and the Luas line. Inward Noise Impact Assessment (INIA) submitted as part of the original application P.A. Reg. Ref. SD17A/0146 was not

submitted as part of the current application. Issue of noise appears to be virtually ignored by the P.A. Issues raised in the INIA included the previous application have not been addressed in the current proposal and these are listed.

- *Location of the Kingswood Castle Luas stop* – Appeal site is next to the proposed and postponed Luas stop yet no reference is made to this in the P.A. reports.
- *Proposed pedestrian access route and removal of wall and trees* – Proposed pedestrian access via Kingswood Castle will require removal of trees planted to block M50 noise (before the luas line constructed parallel to M50). Concern that Kingswood residents will be even more exposed to noise pollution.

6.2. Applicant Response

A response to the Third-Party appeal was lodged by McCrossan O'Rourke Manning Architects on behalf of the applicant. This can be summarised as follows:

- *Assessment by the P.A.* – Description of the proposed development including its location was deemed adequate by SDCC, and for the appellant to engage in the planning process and make submissions.
- *Noise Pollution* – Assertion that an Inward Noise Impact Assessment was not included in the current application is incorrect. An INIA was prepared by AWN Consulting which was submitted and is available on SDCC's web site. Reference to assessment by the Environmental Health Officer and report which states no objection.
- The AWN Consulting INIA has set out noise control and mitigation measures.
- *Location of the Kingswood Castle Luas stop* - The National Transport Authority have confirmed that there are no plans to develop a Luas stop adjacent to the subject site.
- The INIA refers to noise pollution concerns cited with regard to the M50 daytime and night time capacity and potential increase in noise pollution.
- Acoustic barriers designed to be 3.5m higher than ground level have been proposed in the INIA and throughout the landscape design.

- *Proposed pedestrian access route and removal of wall and trees* – Refers to AWN's response to item no. 4 of the further information request that that removal of trees will have no effect on noise levels at residents of Kingswood Castle.

6.3. **Planning Authority Response**

The Planning Authority responded to the appeal confirming its decision and stated that issues raised have been addressed in the Planner's Report.

6.4. **Observations**

None.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Overcoming the Previous Reasons for Refusal
- Noise Pollution
- Appropriate Assessment
- Other matters

7.1. **Overcoming the Previous Reasons for Refusal**

- 7.1.1. The current application is for the same no. of units as that previously proposed which was refused permission by the planning authority under P.A. Reg. Ref. SD17A/0146. The current application therefore, seeks to overcome the previous four no. reasons for refusal noted in Section 4 above.
- 7.1.2. The material differences between the current application and the previous proposal include;

- Revised access arrangements via Ballymount Road rather than across existing public open space.
- Applicants have demonstrated sufficient legal interest to include and carry out works within the ownership of SDCC, principally along Ballymount Road.
- Revised site layout and house design to enhance passive surveillance and
- Compliance with development management standards with respect to provision of private open space.

7.1.3. The PA in their comprehensive assessment of the current application, and further to a request for further information, consider that it largely addresses the previous reasons for refusal. I am generally satisfied, therefore, that the proposed development overcomes the four reasons for refusal.

7.2. Noise Pollution

7.2.1. The main grounds of appeal relate to the potential of noise pollution on the adjoining residents within the Kingswood Castle estate. As already noted the appeal site is located adjacent to and to the west of the M50 and Red Luas line. The existing eastern boundary to the site comprises a low fence and is separated from the Luas and M50 by a narrow strip of land.

7.2.2. The existing western boundary to the site with adjoining residential properties within the Kingswood Castle estate comprises 3m high blockwork rear garden boundary walls, with planting along the south-western boundary of the site.

7.2.3. As part of the overall development of the site it is proposed to remove the boundary fence along the eastern boundary and provide a 1.1m high post and rail fence along the boundary to the Luas. In relation to the boundary to the Luas Line the Parks Department of the planning authority recommended that the proposed boundary be omitted and replaced instead with a more suitable robust railing to ensure that future residences do not cross the line.

7.2.4. The Landscape Master Plan drawing drg. No. 17362-2-101 submitted by way of further information details a timber acoustic fence along the boundary with the Luas line, with the top of the fence to be a maximum of 3.5m high over finished ground floor level of adjacent houses. The drawing also references that the actual fence

height will vary along the earthen berm that makes up part of the 3.5m overall height of the acoustic barrier. Condition No. 8 refers as outlined in Section 3.1 above.

- 7.2.5. Given the proximity of the site and residential nature of the use, the applicant submitted an Inward Noise Impact Assessment. The planning authority raised concerns in relation to the impact of noise from traffic generated from the M50. Concerns were also raised in submissions from existing residents and in the current appeal in relation to noise. The applicant was requested therefore to submit a revised Noise Impact Assessment (NIA) to address these concerns.
- 7.2.6. The NIA submitted states that the noise impact on the development was assessed by undertaking a baseline noise survey to determine existing noise levels and a 3D road traffic noise model was developed. The noise model was updated to include future traffic flows along the M50 using projected traffic flows contained within the M50 update EIS. Cumulative noise levels associated with both Luas and road traffic noise were also calculated. External and internal noise levels were calculated for the residential units within the development.
- 7.2.7. The noise measurements were taken at three different points on site, in September 2017 at 15-minute intervals, show that the noise level attributable to traffic on the M50 and Luas trams at the proposed site were in the overall range of between 60 to 69 dB L_{Aeq,15 min}. This is above the noise limit of 60dB Lden set out by the NRA. The recommendation, therefore, is to provide acoustic barriers designed to be 3.5m higher than ground level of the proposed residential dwellings, and these are detailed in Section 7.1 of the INIA. It is also proposed to provide sound insulation to the building facades which are detailed in Section 7.2 of the acoustic report.
- 7.2.8. The Parks Department of the planning authority noted that the applicant had not provided details of the boundary treatments as requested, but that this could be dealt with by way of condition. I also note the Environmental Health Officer of the planning authority had no objections to the proposed development.
- 7.2.9. I am satisfied that the mitigation measures proposed in the design of the proposed building facades, glazing and internal noise insulation measures will mitigate against noise from traffic along the M50 and are acceptable.
- 7.2.10. The NIA report notes that noise limits for construction activities are generally controlled by limiting working hours to prevent noise construction but recommends

mitigation measures nonetheless. I note that the application was not referred to Transport Infrastructure Ireland for comment. Notwithstanding, I accept the findings and recommendations which I consider to be robust.

- 7.2.11. The appellants contend that their concerns in relation to noise arise specifically from the removal of existing planting and boundary treatment as a consequence of the proposed pedestrian and cycle linkages between existing development and the proposed development. In particular the appellants cite a number of issues raised in the INIA report submitted on the previous application under P.A. Reg. Ref. SD17A/0146 which have not been addressed in the current proposal.
- 7.2.12. The applicants have responded and note that a noise assessment was submitted with the application as lodged. The applicant notes that the use of trees and other foliage are not used as a form of noise control for road traffic noise or rail noise, and the removal of trees for the proposed pedestrian access will have no effect on noise levels.
- 7.2.13. I would have to concur with the applicants that the residual noise environment for residents within Kingswood Castle as a result of the proposed development will be positive due to the inclusion of the proposed extensive boundary treatments as described within the noise report and in addition to the presence of the proposed residential buildings between the M50 and Kingswood Castle.
- 7.2.14. I am satisfied therefore, that the noise mitigation measures and boundary treatments proposed are acceptable in terms of residential amenity of existing and proposed residents, and that the appeal should not be upheld on these grounds.

7.3. Appropriate Assessment

- 7.3.1. The closest Natura 2000 site to the proposed development is the Glenasmole Valley SAC (Site Code 001209), which is located 6km to the south. The planning authority carried out a screening assessment and concluded that a stage 2 Appropriate Assessment was not required.
- 7.3.2. Notwithstanding, the Parks and Landscape Services Dept. of the planning authority raised concern in relation to the need to carry out a bat survey given the surrounding boundary of the development has many trees and hedgerows/vegetation which bat species typically frequent.

- 7.3.3. An Ecological Appraisal of the site for bats prepared by Scott Cawley was submitted in response to a further information request. It concludes that the site is of a low to negligible suitability for roosting, foraging and commuting bats. It notes that the site does not contain any trees or buildings that are considered likely to host a roost and that the habitats on site do not contain suitable woodland or hedgerow habitat for commuting or foraging bats. It also notes that the subject site is surrounded on three sides by urban development of low to negligible suitability for bats. I concur with this assessment.
- 7.3.4. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.4. **Other Matters**

- 7.4.1. *Planning Authority Assessment* – The matters raised relate to the description of the site in the planners report with regard to orientation of ... and the absence of any reference to the proposed Luas stop at Kingswood. I do not consider these to be material issues in the assessment of the application. In this regard it may be noted that the Board will consider and decide upon the application de novo and has no supervisory function in relation to how the planning authority carries out its planning functions.
- 7.4.2. *Third Party Submissions* – The appeal makes further reference to the planners report where no further submissions or observations were received in relation to the further information, despite the fact that it was not possible to make further submissions. The appeal before the Board is valid and the third party's right to participate is given full effect.

8.0 **Recommendation**

- 8.1. I recommend that permission should be **granted** for the proposed development subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site on lands zoned for residential development in the South Dublin County Development Plan 2016-2022, to the nature, scale and design of the proposed development, to the compliance with design of dwellings to provide passive surveillance of streets and spaces, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1st day of November 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed development shall be carried out as follows:

(a) Pedestrian and cyclist movement through the subject site between

the Old Ballymount Road and Ballymount Park, including the proposed pedestrian/cycle link along the northern boundary with Ballymount Park (footpath extension and opening with bollards), shall be open to the public prior to the occupation of any residential unit on the application site and shall not be closed off at any time.

(b) Pedestrian and cyclist movement through the application site to Kingswood Castle park to the west shall be open to the public prior to the occupation of any residential unit on the application site and shall not be closed off at any time.

(c) Site levels at the proposed pedestrian/cycle link along the northern boundary of the application site with Ballymount Park shall be graded in accordance with that indicated on drawing no. 17008.1-A109.

(d) All items and areas for taking in charge shall be undertaken to a taking in charge standard.

Reason: In the interest of permeability and proper planning.

4. The landscaping scheme shown on drg no. 17362-2-101, as submitted to the planning authority on the 1st November 2018 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity

5. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall

engage the Landscape Consultant 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 planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

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

6. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
- (i) A hard landscaping plan with delineation and specification of site boundary details including the external finishes.
 - (ii) A soft landscaping plan incorporating native/indigenous species.
 - (iii) Precise details of proposed boundary treatments.

Reason: In the interest of visual amenity.

7. Details of the proposed eastern boundary treatment with the Luas and M50, including acoustic barrier and planting, shall be in accordance with the detailed standards and requirements of Transport Infrastructure Ireland for such works and submitted to the planning authority for written agreement before the commencement of development.

Reason: In the interests of traffic safety, residential and visual amenity.

8. Details of noise mitigation measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the scheme is made available for occupation.

Reason: In the interest of residential amenity.

9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. The section of Ballymount Road serving the proposed development shall include a two-metre-wide footpath, kerbs and grass verges, including semi-mature trees which shall comply with the detailed standards of the planning authority for such road works.

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

11. A revised site layout that reduces the width of the proposed shared surface streets to no more than 4.8metres shall comply with the detailed standards of the planning authority for such works.

Revised drawings incorporating these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety.

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

13. 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.

14. 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 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

15. 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.

16. The development 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.

17. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

18. Prior to commencement of development, the applicant 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.

19. 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.

20. 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.

Susan McHugh
Planning Inspectorate

1st April 2019