



An
Bord
Pleanála

inspector's Report ABP-303975-19

Development	Development of 77 no. apartments and all associated site works
Location	Former Phoenix Park Racecourse, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW18A/0080
Applicants	Flynn & O'Flaherty Construction
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Mr. James Wharton
Date of Site Inspection	21 st May 2019
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at the former Phoenix Park racecourse site in Castleknock, Dublin 15. The site forms part of a larger urban development site (c.40 hectares) located to the south of the N3, east of Castleknock Village and west of the Phoenix Park. The site is located at the north western end of the overall site; although grass covered there are mounds which indicate that the has been disturbed in the past. Approx. half of the overall site has been developed.
- 1.1.2. The site, rising gently southwards, is an irregularly shaped plot of land, south and west of the existing N3 interchange and east of St Brigid's GAA playing pitches. It comprises a rectangular portion adjoining and to the south of the N3/R107 / Navan Road (where the main part of the proposed development will be located), a narrow strip crossing the Navan Road (proposed foul and storm pipes); a narrow strip running generally east (proposed new access road) and a wider strip running north from the eastern end of the former (a portion of the proposed Phoenix Park Avenue which connects the overall development to the N3/Navan Road and the Phoenix Park train station to the north and which runs south from an existing interchange); and a triangular portion (an attenuation basin) to the south of the access road.
- 1.1.3. The site is given as 1.25 hectares.

2.0 Proposed Development

- 2.1.1. The proposed development is designed as a single building at the lowest level, a semi basement / garden level, and as four separate blocks around a podium level garden above. It will comprise: 1 no. 5-7 storey apartment building (Referred to as Block 1a); 1 no. 6 storey apartment building (Referred to as Block 1b); 1 no. 5-7 storey apartment building (Referred to as Block 1c) and 1 no. 4 storey apartment building (Referred to as Block 1d) – the latter with roof solar panels. The development will contain 77 number apartments in total, consisting of 8 no. 3 Bed apartments, 58 no. 2 Bed Apartments and 11 no. 1 Bed Apartments. At ground floor level, in addition to five south facing apartments there will be an ESB Substation, switch room, refuse/plant rooms & ancillary accommodation along with 67 no. undercroft car parking spaces, including bicycle parking (184no.) and dedicated storage rooms. An accessible landscaped garden deck will be located at podium / first floor

level and at ground level there will be landscaped open space, 29 no. on street car spaces, new access road connecting with existing N3 interchange, attenuation, and the provision of foul & storm pipes crossing of the N3 Navan Road discharging to existing connections. The development includes all associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission subject to 26 conditions, including:

- 9(5) A tailored Resident's Mobility Management Plan shall be provided to residents by the management company promoting public transport, car sharing, bike sharing and cycle parking management.
- 22 Management Agreement for the maintenance and control of the site for areas to be taken in charge by Fingal County Council and those areas to be maintained by the Management Company.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file, the first, recommending further information on 10 points, includes: reference to pre planning and that the proposed development was considered to be acceptable in principle; detailed reference to the policy context, including those relating to apartment standards and the development plan with which the proposed development largely complies; and states the need for further information in relation to overlooking, density, energy, noise mitigation, childcare, context, public art, revised SuDS proposals, revised drawings including SuDS proposals, public open space and taking in charge locations, and a list of requests from the Planning & Strategic Infrastructure, Transportation Planning Division. A request for further information issued on these items.

3.2.3. The second planning report, recommending permission, includes reference to the acceptability of the further information responses.

3.2.4. Other Technical Reports

Water Services: further information.

Planning & Strategic Infrastructure, Transportation Planning Division: further information.

Community, Culture & Sports Division: no objection.

Parks & Green Infrastructure Division: further information

Environment Department: further Information

These reports were reflected in the further information request which issued.

3.2.5. Technical Reports following receipt of further information:

Water Services: conditions.

Environmental Health Officers Air & Noise Unit: no objection.

Transportation Planning Section: conditions.

3.3. **Prescribed Bodies**

Irish Water: no objection.

EHO: no objection.

Dept. of Culture, Heritage and Gaeltacht, re archaeology: condition.

Iarnród Éireann: advises of requirement to carry out development in a manner which ensures that there is no increase in risk to the railway.

TII: no observation.

3.4. **Third Party Observations**

3.4.1. Observations on the file have been read and noted.

4.0 **Planning History**

A document titled 'Appendix B, former Phoenix Park Racecourse – Planning History Summary', is part of the planning statement accompanying the application. Of the extensive planning history the following are noted for the Board's attention.

ABP Ref. PL06F.202469 and PA Ref. F02A/1255 - permission granted in 2003 for a large mixed-use development on a site of approximately 45.8 hectares that comprises the former Phoenix Park Racecourse and lands to the north in townlands of Castleknock and Ashtown, Dublin 15. The approved development comprised over 2,310 residential units and mixed-use development. This permission expired in 2018 following extension of duration. Development is ongoing under more recent permissions.

ABP Ref PL06F.234610, PA Ref. F08A/1292 - permission granted (2010) for revisions to previous permission PL06F.202469, PA. Ref: F02A/1255 for mixed use development comprising 388 no. residential units, retail and office units and associated site works at 'Park Village', former Phoenix Park Racecourse, Ashtown, Dublin 15; on 17.1 hectares of the overall site. The inspector's report notes that the first phase of development, consisting mainly of 4 and 5 storey apartment blocks, has taken place to the east of the racecourse site.

Recent planning history in the vicinity of the appeal site:

FW 18A/0091 planning permission granted for Block 2 on the adjoining site to the east.

ABP Ref. 303367-19, PA Ref. FW18A/0100, permission granted by the Board, on foot of the planning authority's decision to grant, for the construction of 88 no. apartments and all associated site works on a site of 0.61 hectares, located centrally within the overall former Phoenix Park Racecourse lands, some distance to the east of the subject site.

5.0 Policy and Context

5.1. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, Department of Housing, Planning and Local Government March 2018

- 5.1.1. Aspects of previous apartment guidance have been amended and new areas addressed, including that in central urban and public transport accessible locations there can be appropriate reductions in car parking provision and in such circumstances a development should be comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors, with, in general a minimum standard of 1 cycle storage space per bedroom, and 1 space per 2 residential units, for visitor cycle parking applying.

5.2. Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Guidelines for Planning Authorities

- 5.2.1. These guidelines and the accompanying Urban Design Manual were issued by the Department of the Environment, Heritage and Local Government in May, 2009. The Urban Design Manual sets out 12 criteria to guide designers and assessors; with the aim of producing high quality sustainable residential development, including guiding its location, density and design.

5.3. Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport in 2013.

- 5.3.1. This promotes an holistic approach to the design of urban streets in cities, towns, suburbs and villages, such that better street design will facilitate the implementation of policy on sustainable living, by achieving a better balance between all modes of transport and road users.
- 5.3.2. It is intended that better connected places, and the promotion of a self-regulating environment will place pedestrians at the top of the user hierarchy, above cyclists, public transport and private motor vehicles; in that order.

5.4. Development Plan

5.4.1. The Fingal Development Plan 2017-2023 is the operative plan. Relevant provisions include:

- Zoning: The site is zoned 'RA' Residential Area with an objective to "Provide for new residential communities subject to the provision of the necessary social and physical infrastructure".
- Chapter 3 Placemaking – Chapter 3 sets out Design Criteria for Residential Development including mix of dwellings, density and open space provision.
- Chapter 4 Urban Fingal – The site is located in the "Phoenix Park Masterplan" area (Map Sheet: MP13A refers). The objective Blanchardstown 18 refers to the preparation and / or implementation of Local Area Plans and Masterplans for areas including the Phoenix Park Masterplan area, while the written text states that the Masterplan will "*facilitate delivery of residential, commercial and community facilities along with open space in a phased manner*".
- Chapter 12: Development Management Standards
 - Section 12.3 of the Plan sets out design criteria for urban development. Reference is made to guidelines published by the Department of Environment, Community and Local Government in respect of quality housing and sustainable residential development. It also refers to the Design Manual for Urban Roads and Streets published jointly by the Department of Transport Tourism and Sport and the Department of Environment, Community and Local Government. Policy objectives PM31 to PM33 promote good urban design in accordance with these guidelines.
 - With respect to residential densities, the Plan states that regard should be had to the national guidance set out in the *Sustainable Residential Development in Urban Areas Guidelines and the accompanying Urban Design Manual*. The Development Plan promotes higher densities at suitable locations such as along public transport corridors and in main town centres (objective PM41).

5.5. Natural Heritage Designations

- 5.5.1. The nearest Natura sites are the Special Protection Area: South Dublin Bay and River Tolka Estuary site code 004024 and the Special Area of Conservation: South Dublin Bay, site code 000210, which are located in excess of 8km from the subject site.

5.6. EIA Screening

- 5.6.1. The redevelopment of the former Phoenix Park Racecourse site for urban development has been subject to EIA. Having regard to the nature and scale of the proposed housing development on zoned and serviced land, which is in effect an amendment to the development originally approved under ABP Ref. PL06F.202469 and PA Ref. F06A/0832, and to the nature of the receiving environment, 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. This is a third party appeal against the planning authority decision to grant permission. The grounds includes:
- Height is out of line with existing development and unsuitable.
 - It will cause an increase in traffic, where congestion is already a problem.
 - The proposed car parking (96 spaces) is inadequate for the number of apartments proposed. Provision is below that required under Chapter 12 of the Fingal Development Plan.
 - Appellant has concerns over the management of the car parking. He requests consideration of this issue in the context of the appeal on FW18A/0100. The provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, Department of Housing,

Planning and Local Government March 2018 and in particular paragraphs 4.23 and 4.24 which are not met.

6.2. Applicant Response

6.2.1. The applicant has responded to the grounds of appeal, which includes

- Appeal is vexatious. The appellant with an address in Cork has no material interest in the proposed development. Appellant did not appeal another similar application for block 2 (FW18QA/0091). Other appeals by appellant (including ABP 303367 (FW18A/10100)) against the current developer at this location and elsewhere are referred to. They request rejection of the appeal under S 138(1).
- Height - There has been significant collaboration with Fingal County Council over 18 years and the current application is consistent with the overall strategy of this strategic site.
- The application is made within the context of completed / permitted development and the sites location overlooking the N3 and the recently granted, nearby block 'West End Block 2'. Careful consideration was given to the scale and height of the blocks, (see contextual elevation 1806-PLA-202-A). A reduced height would be visually incongruous and result in reduced density.
- Traffic - The proposal would not impact on traffic in the area. The overall development was subject to traffic analysis. The proposed development would be accessed from Phoenix Park Avenue. The former Phoenix Park racecourse is accessed from a number of road junctions and is served by public transport. The Parkway Rail Station was built by the applicant and has been operational since 2008. The Navan Road QBC has a range of bus routes and service will be expanded through the Rapid Bus Transport Network, planned for the Navan Road.
- Car Parking – The Sustainable Urban Housing Design Standards for New Apartments, March 2018, allow for reduced parking provision at suitable locations. Mobility management initiatives agreed with the planning authority

include consideration of a car sharing facility (letter from 'Go Car' on file), bike sharing facility (letter from 'Bleperbike' on file) and improved accessibility to cycle and pedestrian facilities. They refer to their response to the request for further information, to discussions with the NTA and to condition no. 9(5) of the notification to grant permission, which requires agreement in relation to mobility management plan.

- Assignment of car parking spaces - The development including car parking will be controlled by the management company. Surface spaces (10) designated for residential units will be security barrier controlled, the remainder of the surface spaces will be visitor spaces and will be marked, signed and lined accordingly. No surface spaces are to be taken in charge by FCC as they incorporate SuDS.
- 3D views are attached to the response.

6.3. Planning Authority Response

6.3.1. The planning authority has responded to the grounds of appeal, which includes:

- Issues raised in the appeal were fully addressed during the application process.
- Height - The height of the proposed apartment block is wholly in keeping with the neighbouring apartment developments in the eastern portion of the former racecourse lands including those, fronting onto the public park. The height of the proposed apartments and the other block addressing the Navan Road (FW18A/0091), mirrors that of the apartments currently being provided to the east. Full cognisance has been taken of the height of neighbouring properties and of the overall development.
- Traffic and Parking – The impact on traffic and the provision of car parking was assessed in the context of the overall development. The amount of car parking to be provided is addressed in the report of the Planning Officer. Provision is based on the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, December 2015. The development would be within 900 metres of the Navan Road Parkway Railway Station and the N3

Quality Bus Corridor and as such the level of car parking is appropriate. Conditions are attached relation to mobility issues e.g. no. 9(5) requires agreement in relation to mobility management plan, and no. 19 which requires a Management Agreement detailing areas to be maintained by a Management Company.

6.4. Board Correspondence

The file was referred to An Taisce and Bord Fáilte. No response was received.

7.0 Assessment

7.1. Validity of the Appeal

- 7.1.1. The applicant argues that the appeal is vexatious and that it should be rejected as the appellant has no material interest in the development. Section 138 (a) (ii) of the Planning and Development Act, as amended, allows the Board to dismiss an appeal in circumstances where the Board is of the opinion (inter alia) that the appeal is vexatious. While I note the concerns of the applicant, I am of the opinion that a number of valid planning issues are raised and recommend that the appeal is considered by the Board.
- 7.1.2. The issues which arise in relation to this appeal are: appropriate assessment, building height and scale, traffic and car parking and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. Building Height and Scale

- 7.3.1. The appeal site is part of the larger Phoenix Park Racecourse site (c. 40 ha), located to the north of the Phoenix Park, east of Castleknock Village and south of the N3 Navan Road. The lands have been zoned for residential development over a number of development plan periods. In 2003, permission was granted for a mixed-use development on the overall site that comprised 2310 no. residential units and associated commercial development and infrastructural works (ABP Ref: PL06F.202469 and PA Ref. F02A/1255 refer). While the original permission expired in 2018, the site continues to be developed within the general framework established by this permission.
- 7.3.2. The grounds of appeal argue that the height and scale of the proposed apartment block is out of line with existing developments in the area and is unsuitable for this location.
- 7.3.3. Permission is sought for an apartment development comprising 4-7 storey blocks that will sit within a wider urban development. The mixed-use development approved on the racecourse site in 2003 incorporated housing blocks of 2-5 storeys in height. The permitted development adjoining to the east comprises 4 to 7 storey blocks: FW18A/0091; 303367-19, FW 18A/0100, permits development of 4-6 storey blocks:
- 7.3.4. I consider the proposed development to be well designed and am satisfied that it would integrate well with both existing and permitted development in the area. The proposed development will provide a strong urban edge along the Navan Road. The proposal incorporates development of an acceptable density and is acceptable in terms of building height and scale.

7.4. Traffic & Parking

- 7.4.1. The grounds of appeal argue that the proposed development, with access onto the N3, will greatly increase traffic in the area, where traffic congestion is already a major problem. I would not concur with this view. The site is located in an urban area that is well served by public transport. A number of significant transport improvements completed in the area will support the overall racecourse development. These include the Navan Road Parkway Rail Station, the Navan Road QBC, an interchange on the N3 and a roundabout on the Castleknock Road. I am satisfied that the

proposed development is well catered for in transportation terms and that it would not substantially affect the existing traffic situation in the area.

- 7.4.2. The proposed development includes provision for a total of 113 no. car parking spaces (66 no. spaces within a ground level undercroft and 47 no. spaces on street). The grounds of appeal argues that the level of provision falls below the standard detailed in Table 12.8 of the Fingal County Development Plan 2017-2023¹. The applicant's appeal response acknowledges the shortfall and argues that the DHPLG's Apartment Guidelines, March 2018, promote reduced car parking provision in suitable locations. The submission details services and improvements that are proposed to counteract the shortfall, including a car sharing facility, bike sharing facility and improved access to cycle and pedestrian facilities.
- 7.4.3. The grounds of appeal cites paragraphs 4.23 and 4.24 of the guidelines Sustainable Urban Housing: Design Standards for New Apartments, 2018 in relation to the reduced parking. These paragraphs refer to peripheral and/or less accessible urban locations, which would not describe the site location.
- 7.4.4. In stating that the proposed development does not comply with the paragraphs selected, the appellant also fails to acknowledge the provision made in this case for alternative mobility solutions.
- 7.4.5. In my opinion the site is suitable for reduced car parking provision given its urban location and the level of public transport provision in the area. The 113 spaces proposed (66 undercroft and 47 surface level) is sufficient provision, providing in excess of a single car parking space for each unit and additional visitor or drop off spaces. I am satisfied that the provision is acceptable in the context of the guidance set out in the DHPLG's Apartment Guidelines and that it will promote the use of other more sustainable modes of travel, such as walking, cycling and public transport.
- 7.4.6. The Board should note that provision is made for 154 residential cycle parking spaces and 38 visitor spaces. This compares favorably with the requirement under the 2018 guidelines which in this case would require 143 resident spaces and 38 visitor spaces.

¹ Table 12.8: 1 space per 1 bed apartment, 1.5 spaces per 2 bed apartment, 2 spaces per 3 bed apartment and 1 no. visitor space per 5 units.

8.0 Recommendation

- 8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning provision of the Final County Development Plan, to the pattern of development in the area, to the close proximity to mainline rail and bus connections and to the density, layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of future residents and would represent a high quality residential environment generally in compliance with the objectives of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018, the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Guidelines for Planning Authorities and the accompanying Urban Design Manual issued by the Department of the Environment, Heritage and Local Government in May, 2009 and the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport in 2013. 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 25 th day of January, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials colours and textures of all the external finishes to the proposed apartments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>All WC's, bathroom and en-suite windows shall be fitted and permanently maintained with obscured glazing.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water and provision for foul sewer connections within the site, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>A landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>

6.	<p>Prior to the commencement of development the following details shall be submitted to, and agreed in writing with, the planning authority:</p> <ul style="list-style-type: none"> a) The boundary set-back requirements along the boundary with the N3 and the site. b) Details of the raised traffic calming crossing points. c) Details of the proposed cycle and pedestrian access to the N3. d) A revised layout and details of the removal of some or all of the surplus car parking spaces to remove reversing manoeuvres within the shared cycle area connection to the N3. This may require a new cycle route layout within this area. <p>Reason: In the interest of traffic, cyclist and pedestrian safety and to promote sustainable transportation.</p>
7.	<p>The cycle and pedestrian access to the N3 access shall remain in the control of Fingal County Council.</p> <p>Reason: In the interest of traffic, cyclist and pedestrian safety.</p>
8.	<p>The developer shall comply with the requirements of the planning authority in relation to roads, access, lighting and parking arrangements. In particular:</p> <ul style="list-style-type: none"> (a) The locations and layout of car parking and bicycle parking shall be in accordance with the detailed requirements of the planning authority for such works. (b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works.

	<p>(c) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.</p> <p>(d) A minimum of two number on-street car parking spaces shall be reserved for car sharing, unless otherwise agreed in writing with the planning authority.</p> <p>(e) A minimum of two number on-street car parking spaces shall have electric vehicle charging points and all on-street car parking spaces shall have the infrastructure to enable future provision of electric vehicle charging points. Furthermore, all undercroft spaces shall have electric vehicle charging points provided.</p> <p>(f) Car parking spaces within the undercroft shall be sold, let or assigned only in conjunction with the sale or letting of apartment units within the approved development only and shall not be sold or let separately.</p> <p>(g) A Mobility Management Plan shall be submitted to the planning authority for written agreement, prior to the occupation of the development and shall be implemented within one year of the occupation of the first apartment. It shall be updated annually thereafter for a period of five years.</p> <p>Reason: In the interest of traffic, cyclist and pedestrian safety, to promote sustainable transportation and to protect residential amenity.</p>
9.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.</p>

	<p>Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.</p>
10.	<p>Prior to the commencement of development, satisfactory childcare arrangements, to serve this development shall be submitted to, and agreed in writing with, the planning authority:</p> <p>Reason: To ensure a satisfactory standard of development and to ensure appropriate childcare provision for this development.</p>
11.	<p>A plan containing details of 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 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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
12.	<p>Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of orderly development.</p>
13.	<p>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 apartment.</p> <p>Reason: In the interests of amenity and public safety.</p>

14.	<p>Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
15.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
16.	<p>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 traffic management, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

17.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>During construction stage, all topsoil stripping associated with the proposed development shall be subject to archaeological monitoring by a suitably qualified archaeologist. Provision shall be made available for the resolution of any archaeological features or deposits that may be identified.</p> <p>Reason: In order to secure the preservation and protection of any archaeological remains that may exist within the site.</p>
19.	<p>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.</p> <p>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.</p>

20.	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
21.	<p>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.</p>

	<p>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.</p>
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Planning Inspector

29 May 2019

Appendices

Appendix 1 Photographs

Appendix 2 Fingal County Development Plan 2017-2023 extract.

Appendix 3 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, Department of Housing, Planning and Local Government March 2018, extract.