



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-306721-20 (Addendum)

Strategic Housing Development

124 build to rent apartments and all associated site works.

Location

Lands at Bonnington Hotel, Swords
Road, Whitehall, Dublin
9.(www.ocaverdedublin.com)

Planning Authority

Dublin City Council.

Applicant

Roseberry Investments Limited.

Prescribed Bodies

Transport Infrastructure Ireland
National Transport Authority
Irish Water
Department of Culture, Heritage and
the Gaeltacht

Heritage Council

An Taisce.

Observer(s) to the Oral Hearing

1. Clair McGettrick - Justice for
Magdalenes Research
2. Donna Ryan - Gracepark Manor
3. Patricia Roe

Date of Site Inspection

06 May 2020.

Date of Oral Hearing

02 September 2020

Inspector

Stephen Rhys Thomas

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1.0 Introduction

1.1 This is an addendum report and should be read in conjunction with the previous Inspector's report prepared in respect of the proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 as amended.

1.2 Pursuant to Board Direction BD-006104-20 an Oral Hearing was held in respect of the location of the site over the Dublin Port Tunnel, also known as the Dublin Tunnel. A limited agenda issued to all parties and the main items to be addressed as part of this issue were as follows:

- The potential effect in combination with the adjacent development at High Park Apartments (Planning applications 4050/09 & 3186/17) on the integrity of the Port Tunnel,
- The reasoning/evidence to support conclusions regarding lowered ground water levels and the potential impact on the tunnel,
- Clarity that the applicant's development assessment, is in accordance with the latest revision of the Eurocode 7: Geotechnical design Part 1 National Annex which is from 2015.

2.0 Oral Hearing

2.1. Introduction

An Oral Hearing was held in the Office of An Bord Pleanála on 02 September 2020. This was a blended hearing with some parties present in person at the Offices of An Bord Pleanála, 64 Marlborough Street, Dublin 1 with others attending remotely via Microsoft Teams. The Oral Hearing commenced at 11.07am and finished at 12.15pm.

The hearing, in the main, comprised of a joint verbal presentation from John Spain of John Spain Associates and Gordon Poyntz of Lohan and Donnelly Consulting Engineers on behalf of the applicant Roseberry Investments Limited. Tara Spain for Transport Infrastructure Ireland presented a brief of evidence that was made available on the day and responded to queries. Brian Ward, Senior Planner was

present on behalf of Dublin City Council and made minor comments in relation to the material throughout the Hearing as they arose. To ensure access to documentation and powerpoint slides presented and referred to during the Hearing by the applicant, their documentation and presentations were uploaded to their external website <https://ocaverdedublin.com> and is located under the webpage title 'Oral Hearing' and comprises five documents in pdf format, entitled as follows: 'Byrne Looby Geotech Report July 2020', 'JSA Oral Hearing Presentation', 'JSA Oral Hearing Submission', 'L & D Oral Hearing Presentation' and 'L & D Oral Hearing Submission'.

Three Observers attended the Oral Hearing remotely (Clair McGettrick - Justice for Magdalenes Research, Donna Ryan - Gracepark Manor, Patricia Roe). Observers did not wish to make submissions or pose questions at the Hearing.

2.2. Submission by John Spain (John Spain Associates Planning and Development Consultants) on behalf of the Applicant.

A copy of the submission and powerpoint slides are enclosed with the file. I, therefore outline a brief summary of main points raised as follows:

- In order to respond to the requirement to provide information regarding permitted development in the vicinity, the details of Dublin City Council planning applications was presented; pa ref 4050/09 (ABP ref PL.29N.237222) and pa ref 3186/17. The location of each site was illustrated by layout maps referencing the location of the current application site. In addition, the location of a recent SHD planning permission ABP-304061-19 was also referenced. The updated information has been included in an updated 'Foundation Interaction with Dublin Port Tunnel Analyses Report'. The assessment of both applications Reg. Ref.: 4050/09 and Reg. Ref.: 3186/17, return a finding of no potential impacts on the integrity of the Port Tunnel in each case.
- To clarify the reasoning for conclusions made in the original report that lowered groundwater levels would not have the potential to impact on the tunnel, the updated report describes that dewatering of the excavation to construct the foundation is considered unlikely and not expected. It is concluded that there will

not be an adverse impact on the hydrostatic loads acting on the Dublin Tunnel structure in both the short and long-term cases.

- Finally, it was clarified that the report was written in accordance with the relevant technical guidance, i.e. the latest design principles of IS EN 1997-1: 2005 Eurocode 7: Geotechnical Design – Part 1: General Rules’ and the ‘Irish National Annex (INA1-EC7)’ of this document, published in 2015.

The Inspector had no questions for the Applicant.

2.3. Submission by Gordon Poyntz (Lohan and Donnelly Consulting Engineers) on behalf of the Applicant.

A copy of the amended report, submission and powerpoint slides are enclosed with the file. I, therefore outline a brief summary of main points raised as follows:

- The context of the site is outlined with reference to the planning application lands, adjacent development consents and the Dublin Tunnel below.
- Planning permissions 4050/09 and 3186/17 were examined and it was outlined that permission 4050/09 were only partially implemented and it is assumed to be accounted for in the most recent Structural Impact Assessment for the SHD permission of the neighbouring High Park site (ABP-304061-19). In detail Byrne Looby have analysed the Structural Impact Assessment for pa reference 4050/09 that was conducted by Malone O’Regan Consulting Engineers (MOR). The development that comprises 4050/09 has a maximum surcharge exerted on the Port Tunnel of 8.5 kN/m² and the site is a sufficient distance from the subject lands not to have any combined effect on the tunnel. It was noted that this permission has expired and the unbuilt portions cannot now be constructed.
- In relation to pa ref 3186/17, this permission included some unbuilt elements of the previous permission (4050/09) and was not located in influence zone 1 or 2 of the Dublin Port Tunnel. Again, the distance from the subject site of 3186/17 is sufficiently great to conclude no in combination effects on the Port Tunnel.
- The Structural Impact Assessment conducted by David Kelly Partnership Chartered Engineers for the permitted development at High Park ABP-304061-19, did not make allowance for pa ref 3186/17.

- In relation to groundwater analysis, the applicant stated that monitoring results have been included in appendix 5 of the ground investigation report conducted by Ground Investigations Ireland (IGSL). Given that the proposed foundations for the development are relatively shallow, deep excavations are not required. It was noted that permitted development (ABP-304061-19) at the High Park site includes a basement with no indication of pumping the groundwater, suggesting that pumping is highly unlikely. The results of groundwater levels were taken in December, when levels are likely to be at a higher level. Ground water level may rise and some pumping could be required to dewater the excavation during construction, the groundwater table would be lowered locally around the site but not impact upon the hydrostatic pressure acting on the Dublin Port Tunnel to any great degree. As no significant dewatering is considered likely during a short-term or long-term scenario, it is determined that the proposed development will not have any adverse impact on the hydrostatic loads acting on the Dublin Port Tunnel.
- Byrne Looby confirm that their “Foundation Interaction with Dublin Port Tunnel Analyses” report has been assessed in accordance to the latest code of practice Eurocode 7: Geotechnical Design Part 1 National Annex 2015, and this is reflected in the updated report, page 1 and 50.

The Inspector had no questions for the Applicant.

2.4. Submission by Transport Infrastructure Ireland (TII)

TII made it known at the hearing that they had prepared a document to respond to the material made available by the applicant. This document was emailed to the Board and distributed to all those parties present at the hearing, both in person and online, before it was presented. The submission by Tara Spain was read into the record. I provide a brief synopsis of that submission as follows:

- The role of TII was explained nationally and with specific reference to the Dublin Tunnel, and the requirement for a Development Assessment for all development located in the vicinity of the tunnel was noted.
- The timeline of engagement between the applicant and TII was detailed and it was noted that the amended tunnel impact analysis report (revision 07) submitted to the TII is the same as that published on the applicant’s website. It was stated that

Mott MacDonald Ireland, assisted TII with reviewing the documents prepared by the applicant for the oral hearing.

- TII concluded that the material prepared by the applicant has responded to the clarifications sought and an appropriate condition was prepared in the event that the Board decided to grant permission.

The Inspector had no questions for TII.

2.5. Brian Ward, Senior Planner on behalf of Dublin City Council, noted the contents of both the applicants and TII's submission and stated that any details concerning the Dublin Tunnel that required further assessment would be forwarded to the relevant technical department of the Council who would in turn liaise with the statutory consultees such as TII as necessary.

2.6. Of those observers present online (Clair McGettrick-Justice for Magdalenes Research, Donna Ryan-Gracepark Manor, Patricia Roe), none wished to make a submission or comment on the information presented at the oral hearing. Prior to the closure of the oral hearing John Spain on behalf of the applicant noted that any condition attached to the permission should accord with the requirements for planning conditions outlined by the PDA 2000, TII noted same.

3.0 Assessment

3.1. This report should be read in conjunction with the previous Inspector's report prepared in respect of the proposed strategic housing development ABP-306721-20, dated the 29 June 2020. Following the holding of an Oral Hearing on 02 September 2020 with a limited agenda relating to the Dublin Port Tunnel, I have assessed and reviewed the information presented at the Oral Hearing relating to the Foundation Interaction with Dublin Port Tunnel Analyses having regard also to the original submissions, observations and documentation regarding EIA and AA.

3.2. In relation to the structural integrity of the Dublin Port Tunnel and the proposed development the applicant was asked to clarify three points highlighted by a submission made by Transport Infrastructure Ireland (TII), namely: the assessment of planning applications in the vicinity and the likelihood of in combination impacts to

the tunnel, the possibility of lowered ground water levels and the technical guidance used to prepare the report.

- 3.3. The applicant has responded to each of the three issues queried by TII and which formed the basis for the limited agenda of the Oral Hearing. This information was made available by the applicant on their website prior to the Oral Hearing and was presented in detail on the day. TII, the planning authority and other observers present on the day of the hearing, did not raise any issues in opposition to the material presented by the applicant.
- 3.4. Taking each point of clarification heard at the hearing, my assessment is as follows. With regards to the potential for any impacts from permitted development in the vicinity, I find that the applicant has fully responded to those concerns raised by TII. The amended report (version 07) prepared by the applicant now fully sets out those developments that could conceivably play a part in any effects from the development when considered in combination with other developments in the vicinity. The applicant has adequately explained that there will be no impacts from permitted development, because either they are outside of the sensitive zones associated with the tunnel or that the development envisioned cannot now be carried out. TII agree with this assessment and so do I. In terms of groundwater and how the development may impact upon levels in the short and long term, this has been more fully explained. The applicant states that recent investigations for other applications in the vicinity do not anticipate pumping of groundwater and that given the shallow foundations involved in the current project impacts to groundwater and hydrostatic pressure acting on the tunnel will be negligible. TII do not dispute this analysis and given the information presented by the applicant I am in agreement too. Finally, the applicant clarified that their assessment was carried in accordance with the relevant technical guidance. This fact has been amended in the revised report, TII accept this and so do I.
- 3.5. I consider the information submitted at the Oral Hearing satisfies all the criteria in Appendix 6 of the current Dublin City Council Development Plan 2016-2022 that requires the submission of a Development Assessment in Zone 1 and Zone 2 areas of the Dublin Tunnel and specifically the issues highlighted by TII in relation to its integrity, safety and operation. I consider the proposed development is justified at this location. Overall, having considered all the information before me and the

submissions by the applicant, Transport Infrastructure Ireland, Dublin City Council, and the observers, I am satisfied that the proposal will not impact upon the integrity, safety and operation of the Dublin Tunnel.

3.6. Specially, I am satisfied that the material submitted by the applicant addresses all the clarifications requested by TII, whom have stated agreement on this matter too. TII have drafted a condition that they think would be appropriate in the event of a grant of permission. I agree and suggest minor redrafting, in order to accord with the requirements of the Planning and Development Act 2000 as amended, concerning the attachment of planning conditions.

3.7. Appropriate Assessment

3.7.1. I have assessed the information submitted by the applicant, the planning authority, and observers at the Oral Hearing, in addition to the information contained in the original application relating to appropriate assessment. There have been no changes arising from submissions presented at the Oral Hearing that would result in changes to the appropriate assessment screening carried out in the report dated 29 June 2020.

3.7.2. I consider it reasonable to conclude on the basis of the information on the file and as submitted at the Oral Hearing on 02 September 2020 that no AA issues arise. Having regard to the AA Screening Report and to the Ecology studies carried out and submitted with the application, I note that the development is not connected to any of the identified designated sites and there are no known indirect connections to these sites. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model, the intervening distances between the application site and the designated sites identified in section 11 of the main report and the nature of the development. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

3.8. Environmental Impact Assessment

- 3.8.1. As reported in the Inspector's initial report, the applicant has addressed the issue of Environmental Impact Assessment (EIA) within an EIA Screening Report. The Screening Assessment concludes that having regard to the criteria specified in Schedule 7 of the Planning and Development Regulations, 2001; the context and character of the site and the receiving environment; the nature, extent, form and character of the proposed development; that an Environmental Impact Assessment of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. I am satisfied that the submitted Report, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.
- 3.8.2. The proposal is for 124 residential units on a site of 0.65 ha. The site area is below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units. It is however within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposed development would be located on brownfield lands beside existing development. The site is not designated for the protection of a landscape or of natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report that concludes no impacts upon the conservation objectives of the Natura sites identified.
- 3.8.3. I have assessed the information submitted by the applicant, the planning authority, and observers at the Oral Hearing, in addition to the information contained in the original application relating to environmental impact assessment. The development would result in works on zoned lands. All of the proposed development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file after the conclusion of the oral hearing, such information that I consider adequate, it

is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required. There have been no changes arising from submissions presented at the Oral Hearing that would result in changes to the environmental impact assessment screening carried out in my report dated 29 June 2020.

4.0 Recommendation

4.1.I recommend a grant of permission subject to conditions set out hereunder.

5.0 Reasons and Considerations

Having regard to the:

- a) The site's location on lands with a zoning objective for residential development;
- b) The policies and objectives in the Dublin City Development Plan 2016 to 2022;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (e) 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;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (g) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government in March 2018;
- (h) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;

- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) The Report of the Chief Executive of Dublin City Council received from the planning authority;
- (m) the submissions and observations received;
- (n) The submissions and observations received, including the submissions made to the oral hearing on the 2nd day of September 2020 and written submissions on the 2nd day of September 2020 and
- (o) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

5.0 Draft Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars lodged with An Bord Pleanála on the 24th day of February 2020 and submitted to the oral hearing on the 2nd day of September 2020 by Roseberry Investments Limited care of John Spain and Associates, 39 Fitzwilliam Place, Dublin 2.

Proposed Development

A planning permission for a strategic housing development on lands at the Bonnington Hotel, Swords Road, Whitehall, Dublin 9.

The proposed development comprises the construction of a Build to Rent residential apartment scheme. The development is arranged in a single block ranging in height

from 5-6 storeys, between 17.8 metres and 22 metres above ground level. The detail of the proposed development can be summarised as follows:

- 48 one bed units at between 51.5 and 57.6 sqm
- 76 two bed units at between 75.2 and 91.2 sqm (9 three person units and 67 four person units).

The development incorporates internal amenity facilities in the form of a children's room, activity room, reading room, meeting room, DIY room, garden room, and coffee dock as well as management office and post room at lower ground floor levels – 268 sqm.

External amenity includes landscaped open space including seating, a play area and a primary shared pedestrian and bicycle entrance at the site's south west corner – 2,628 sqm.

An under-croft car park accessed via a ramp adjacent to the site's vehicular entrance, provides 54 car parking spaces. A total of 150 bicycle spaces are provided at ground level, of which 80 spaces are enclosed within a service building which includes a refuse store.

A separate parcel of land, extending to 0.05ha, at the entrance to the Seven Oaks residential development is included to facilitate road improvement works.

Decision

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

Matters considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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

- a) The site's location on lands with a zoning objective for residential development;
- b) The policies and objectives in the Dublin City Development Plan 2016 to 2022;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (e) 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;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (g) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government in March 2018;
- (h) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) The Report of the Chief Executive of Dublin City Council received from the planning authority;
- (m) the submissions and observations received;

(n) The submissions and observations received, including the submissions made to the oral hearing on the 2nd day of September 2020,

(o) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

It is considered that, subject to compliance with the conditions set out below, the proposed development would achieve an acceptable standard of urban design and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would be acceptable in terms of traffic and pedestrian safety and convenience and would not present a flood risk or hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on the South Dublin Bay and River Tolka Estuary SPA (site code: 004024), the South Dublin Bay SAC (000210), the North Dublin Bay SAC (site code: 000206), the North Bull Island SPA (site code: 004006) and the Poulaphouca Reservoir SPA (site code: 004063), taking into account the nature, scale and location of the proposed development, the information submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development would not be likely to have a significant effect on the above European sites or on any other European site in view of the sites' conservation objectives, either individually or in combination with any other plan or project, and that a Stage 2 Appropriate Assessment is not required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment

Screening Report submitted by the developer, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

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

Conclusion on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Dublin City Development Plan 2016-2022 in relation to building height. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the City Development Plan would be justified for the following reasons and considerations.

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria set out in section 3.2 of the Building Height Guidelines. Permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives such as Section 16.7 of the Dublin City Development Plan 2016-2022 may indicate otherwise and diverge with national policy set out in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35).

6.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars presented to the An Bord Pleanála at the oral hearing on the 2nd day of September 2020 and received by An Bord Pleanála on that day, 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The development hereby permitted shall be for build to rent units which 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 (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

3. The total number of units shall be reduced from 124 to 123, a reduction of one unit, prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the Planning Authority:

- (a) Two bedroom apartment unit numbers 23, 24, 47, 48, 71, 72, 95, 96 and 117 shall be reconfigured and reduced in floor area to become one bedroom units.
- (b) Apartment unit 118 shall be amalgamated with apartment unit 119 and be reconfigured and reduced in floor area to become a two bedroom unit.
- (c) The amendments detailed at (a) and (b) above shall provide a separation distance of at least 9 metres between the north eastern elevation of the apartment block with the site boundary. No changes to the north eastern elevational treatment shall result from these amendments.

- (d) The space leftover after the amendments mentioned above shall be designated and landscaped as communal open space, the resin bound permeable concrete footpath shall remain together with the possibility and timing of future access to the site to the north east.
- (e) The northern portion of the balconies associated with apartment units 32, 56, 80, 104 and 124, shall be fitted with appropriately designed privacy screens.

Reason: In the interests of the residential amenity of the area and the residential amenity of the future occupants of permitted development on lands to the north east of the subject site.

- 4. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 6. Prior to commencement of development, a Construction Method Statement in relation to the Dublin Tunnel shall be submitted for the written agreement of the planning authority. The method statement shall contain a risk assessment of the works associated with the development for the Dublin Tunnel, and contain monitoring and mitigation measures for those risks.

Reason: To protect existing public transport infrastructure in the area.

- 5. Proposals for a development name, and for residential unit /commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable

to the Planning Authority, and shall be in both Irish and English. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

6. 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.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Recognition of the historical and cultural significance of this site shall take the form of a suitably designed, worded and located memorial with reference to the site's former use as part of the burial ground associated with the former St. Mary's Home and Magdalene Laundry, the details of which shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In order to conserve the historical and cultural heritage of the site.

8. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

9. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

10. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. 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.

Reason: In the interest of sustainable waste management.

12. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

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

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

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

14. 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. The plan shall also identify measures to protect operational Luas infrastructure.

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

15. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

16. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

17. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking 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, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

18. 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.

19. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-rent Management Plan which demonstrates clearly how the proposed Build-to-rent scheme will operate.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area.

- 20 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 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.

Reason: In the interests of proper planning and sustainable development of the area.

21 Prior to 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 entire development 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.

22 Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

23 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.

- 24 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.

Stephen Rhys Thomas
Senior Planning Inspector
09 September 2020