



An
Bord
Pleanála

Inspector's Report ABP 309436-21

Development	Demolition of swimming pool and construction of 5 no. dwellings
Location	St. Vincent's CBS, Finglas Road, Glasnevin, Dublin 11
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2395/20
Applicant(s)	Concept Fusion Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party v. Decision
Appellant(s)	Tower View Cottages Residents
Observer(s)	Cllr. Declan Meenagh
Date of Site Inspection	19 th August 2021
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2,400 m² and is located on the southern side of the Finglas Road, adjacent to St. Vincent's CBS, Finglas Road, Glasnevin, Dublin 11. The site extends to the rear of the existing single-storey terraced dwellings at Tower View Cottages, which back onto the western boundary of the school site. The site also extends to the rear of the existing single-storey residential accommodation for older persons at Clareville Court which adjoins the north-western boundary. The site is adjoined by the school buildings and playground of St. Vincent's primary school to the east and by playing pitches to the south, beyond which is located the Dublin-Sligo railway line.
- 1.2. The site accommodates a vacant swimming pool building which forms part of the St. Vincent's CBS site. The building is part single-storey and part double height and has a distinctive scalloped roof profile. The building and the immediately adjoining land are gated off and inaccessible from within the school grounds.

2.0 Proposed Development

- 2.1. The proposed development will consist of the demolition of the existing St. Vincent's Swimming Pool (derelict single-storey detached building c. 757 m²) and the construction of 5 no. dwellings, comprising 1 no. 2-storey 5-bedroom dwelling, 2 no. 2-storey 4-bedroom dwellings and 1 no. 2.5 storey 5-bedroom dwelling in a single terraced block and 1 no. 1.5 storey 4-bedroom detached dwelling, including all associated on and off-site development works, car parking, boundary treatment works, hard and soft landscaping on the site of c. 0.24 ha and removal of existing c. 2 m high boundary wall to create direct vehicular and pedestrian access by the extension of the existing Tower View Cottages cul-de-sac.
- 2.2. The development will also include the provision of a temporary construction access road (c. 90 m long) through the adjoining St. Vincent's school lands with vehicular access onto the Finglas Road and the temporary removal (and future reinstatement) of existing single-storey storage building c. 57 m² to facilitate the temporary access.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 19 no. conditions issued on 15th January 2021.
- 3.1.2. Condition no. 5 requires a financial contribution of €4,000 per unit to be paid in respect in public open space.
- 3.1.3. Condition no. 6 (i) requires the north gable wall of house no. 2 to be set back from the northern boundary by an additional 500 mm, by reducing the width of each house by c. 125 mm.
- 3.1.4. Condition no. 6 (ii) requires the omission of the north-facing opening of the corner window to the 1st floor bedroom of house no. 2.
- 3.1.5. Condition no. 7 requires provision to be made for the storage of, and access to, the refuse and recycling bins of Tower View Cottages during and after construction.
- 3.1.6. Condition no. 9 requires that site clearance works shall avoid disturbance of wintering migratory birds during September – March.
- 3.1.7. Condition no. 10 (i) requires the site to be resurveyed for the presence of bats prior to the commencement of site clearance works.
- 3.1.8. Condition no. 10 (ii) requires a suitably qualified ecologist to verify that the Lighting Plan for the proposed development demonstrates concordance with the recommended mitigation measures in the bat and nesting birds survey.
- 3.1.9. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

- 3.2.1. **Planning Reports (22nd June 2020; 16th October 2020; 15th January 2021)**
- 3.2.2. Following the initial assessment of the planning application, Dublin City Council's Planning Officer recommended that Further Information was required in relation to:
 - (1) How the proposal is in accordance with and assists in securing the aims of the Z15 land use zoning objective.

- (2) An audit of sports and leisure facilities within 1 km of the site.
- (3) Shadow diagrams showing the existing and proposed developments.
- (4) A survey of trees to be retained and/or removed for the temporary construction road and any mitigation or replanting proposed.
- (5) Natural heritage and biodiversity issues, including the impact of construction noise on Brent Geese, summer bird surveys for protected species, bat surveys of the derelict building and trees adjacent to the construction road, presence of invasive alien species.

3.2.3. A response to the Request for Further Information was submitted by the applicant on 22nd September 2020, which can be summarised as follows:

3.2.4. **Item No. 1:** The proposed development has no impact on the provision of existing infrastructure within the block of Z15 zoned lands as the two existing schools are not affected. The subject site is not within the ownership of the body with responsibility for school provision. Open space provision will not be affected as the swimming pool has been closed for many years, while the existing sports fields are not impacted by the proposed development. The proposed development will assist with housing delivery in the city and has been designed to complement the adjoining residential development. The proposed development also meets the relevant development management standards of the development plan.

3.2.5. The vacant swimming pool building is not required by either of the existing schools and detracts from the school facilities. The capacity of both schools exceeds enrolment figures, and the expansion of these facilities is not anticipated.

3.2.6. **Item No. 2:** An audit of swimming pool facilities within 1 km of the site has been submitted. It is noted that the existing swimming pool has not been used for a considerable period of time and was only available for use by the adjoining schools during its period of operation. As such, its closure did not result in the reduction of such facilities for the local community.

3.2.7. The audit concludes that 47 swimming pool facilities exist across the 4 no. Local Authority areas of Dublin. A total of 19 no. of these facilities are located within 5 km of the subject site. It is noted that 4 swimming pools are available within 2.2 km of the subject site, one of which is already used by the schools. It is submitted that it is

unrealistic to expect such facilities to be available within 1km of any location within the city.

- 3.2.8. **Item No. 3:** The applicant has amended the roof profile of house no. 2 from an A-roof with gable wall to a hipped roof profile adjoining No. 15 Tower View Cottages. It is submitted that the revised roof design will result in the achievement of 85.6% of the recommended BRE target values for sun lighting impact on the amenity space which adjoins No. 15 Tower View Cottages. A sunlight assessment and shadow study has been submitted to demonstrate the revised proposals.
- 3.2.9. In the event the proposed amendments are considered unacceptable by the Planning Authority, the applicant's agent submits that the width of house nos. 2-5 can be reduced by 125 mm each, which will relocate the gable wall of proposed house no. 2 by 500 mm in a southerly direction. This amendment would allow 100% of the recommended BRE target value for sunlight to be achieved in the adjoining amenity space.
- 3.2.10. **Item No. 4:** An Arboricultural Assessment report, a Tree Constraints Plan and Tree Protection Plan have been submitted which assess the condition of the existing trees and identify mitigation measures to protect retained trees on foot of the proposed development.
- 3.2.11. An amended construction access plan has also been provided (drawing no. D1130-A3-03) which illustrates a reduced construction access width and its relocation as far as possible from the existing tree line.
- 3.2.12. **Item No. 5:** A Further Information response in relation to item nos. 5 (i) and (iv) has been prepared by Openfield Ecological Services. It is submitted that demolition/construction works will commence in April/May 2021. Demolition, site work and site stripping are expected to be completed by May/June 2021. Houses will be built in timber frame, with a quick construction timeline, with the houses expected to be weather tight and external works completed by end June.
- 3.2.13. In terms of mitigation measures with respect to potential impacts on Brent Geese, it is submitted that works will not commence on site until April, when Brent Geese have left for their summer grounds in the Arctic. External construction works will be completed by October at the latest, when Brent Geese typically return to Ireland.

Therefore, it is submitted that the birds will not experience construction noise at a level which is likely to result in disturbance.

3.2.14. A bat and nesting bird survey of the site has also been submitted. The survey concluded that there are no bird nests within or attached to the former swimming pool, with the exception of a very large number of feral pigeons. No birds with protection under the Wildlife Act are present within or on the pool building. Three species of bat were found feeding and commuting. Most bat activity occurred along the edge of the swimming pool by the treelines. A number of mitigation measures are identified in the event planning permission is granted.

3.2.15. Following their assessment of the submitted Further Information, Dublin City Council's Planning Officer recommended that Clarification of Further Information was required in relation to:

(1) (i) Confirmation that the 2 no. sports pitches are, and will remain, in the ownership of the Edmund Rice Schools trust and shall be retained as sports facilities to serve the 2 no. schools on site.

(ii) Confirmation that the Z15 zoned land can provide for any future expansion or development of the schools, without compromising or impinging on the retention of the sports pitches.

(2) An audit of sports and leisure facilities within 1 km of the site, with accompanying map to scale.

3.2.16. A response to the Request for Clarification of the Further Information was submitted by the applicant on 10th December 2020 which can be summarised as follows:

3.2.17. **Item No. 1 (i):** A letter has been provided from the Edmund Rice Schools Trust (ERST) which confirms that the sports pitches currently remain in the ownership of the Congregation of the Christian Brothers (CCB). The ownership of the 2 no. schools was transferred to the ERST in 2008, with the sports pitches being licensed to ERST from the CCB since that time. The sports pitches are in the process of being transferred to ERST and thereafter it is the intention to retain the lands in their existing use as sports facilities to serve the 2 no. adjoining schools.

- 3.2.18. The former swimming pool site was not transferred to the ERST in 2008 as it was always marked for disposal, was agreed to be surplus to requirements and a liability for ERST.
- 3.2.19. **Item No. 1 (ii):** It is confirmed that the Z15 zoned lands can provide for any future expansion or development of the schools, with such plans likely to be modest having regard to recent reduced enrolment figures. A drawing has been provided demonstrating how 1 no. additional classroom could be provided to both schools in the future if required (drawing no. D1030-A3-25 refers).
- 3.2.20. **Item No. 2:** A map has been provided which shows (i) schools/colleges, (ii) public parks, (iii) sports facilities/clubs and (iv) fitness centres/gyms within 1 km of the application site. It is noted that there are 5 no. swimming pools within 2.2 km of the subject site and not 4 no. as previously identified.
- 3.2.21. Following an assessment of the submitted information, Dublin City Council's Planning Officer considered that the proposed development would be appropriate on the subject site and recommended that planning permission be granted.
- 3.2.22. **Other Technical Reports**
- 3.2.23. **Engineering Department Drainage Division:** No objection subject to conditions.
- 3.2.24. **Transportation Planning Division:** No objection subject to conditions.
- 3.2.25. **Biodiversity, Parks and Landscape Services (22nd June 2020 and 13th October 2020):** Recommended that Further Information be sought in relation to: (1) date of commencement of demolition works, (2) duration of demolition works, (3) details of noise levels and pile driving during demolition and construction works, (4) extra mitigation measures to be put in place to reduce impacts to Light-bellied brent geese on the adjacent site, (5) results of bat surveys of buildings and trees, (6) presence of nesting swifts, house martins or swallows on site during the summer months, (7) whether the site has been surveyed for invasive species.
- 3.2.26. Following the submission of the applicant's Further Information Response, no objections arose to the proposed development subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. **National Transport Authority:** None received.
- 3.3.2. **Irish Rail:** None received.
- 3.3.3. **Transport Infrastructure Ireland:** Recommends that a S. 49 development contribution be attached to a grant of permission (if applicable).
- 3.3.4. **Irish Water:** None received.

3.4. Third Party Observations

- 3.4.1. A total of 2 no. third party observations were made on the application by: (1) Camille Rocca, 6 Tower View Cottages, Glasnevin, Dublin 11 and (2) AKM Design on behalf of Tower View Cottages Residents, c/o Amy Fallon, 15 Tower View Cottages, Glasnevin, Dublin 11.
- 3.4.2. The issues which have been raised can be summarised as follows: (1) continued use of turning circle at Tower View Cottages required for bin storage, (2) additional car parking required, (3) construction hoarding should not be provided in front of No. 6 Tower View Cottages, (4) substantial drainage works required on lands outside the applicant's control, (5) inaccurate site boundary shown in applicant's Appropriate Assessment, with no reference to removal of trees and potential impact on bats, (6) the development of housing on Z15 zoned lands has not been justified, (7) masterplan does not address future development of the Z15 zoned lands, (8) construction traffic impacts, (9) auto-track analysis of bin lorries and fire tender access required, (10) justification for demolition of community asset has not been provided, (11) site access during construction requires clarification, (12) construction impacts on residents of Tower View Cottages, (13) inadequate Demolition and Waste Management Plan, (14) tree survey required, (15) impact of tree removal on bats has not been considered.

4.0 Planning History

- 4.1. No relevant history on swimming pool site.
- 4.2. **Planning Authority Reg. Ref. 2819/15; ABP Ref. PL29N.245488:** Planning permission granted on 8th January 2016 for development comprising the demolition of an existing single-storey annex to the rear of the existing school building and the

partial demolition of an existing single-storey maintenance outbuilding, (b) construction of a part 2-storey, part single-storey extension to the rear of the existing school building comprising of staff room, construction/woodwork room and associated space at ground floor, library, art/craft room and associated spaces at first floor and all associated site development works at St. Vincent's CBS, Glasnevin, Dublin 11.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning "Z15" (Institutional and Community) which has the objective "to protect and provide for institutional and community uses". Residential uses are open for consideration under this land use zoning.
- 5.2.2. Section 14.8.14 of the development plan states that any development proposal on such lands should consider their potential to contribute to the development of a strategic green network and to the delivery of housing in the city. Development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and the standards for residential accommodation and the avoidance of abrupt transitions in scale.
- 5.2.3. Where there is an existing institutional/community use, any proposed development on part of the landholding shall be required to demonstrate: (1) how the proposal is in accordance with and assists in securing the aims of the zoning objective; (2) how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses; (3) how it secures the retention of existing functional open space; and, (4) the manner in which the nature and scale of the proposal integrates with the surrounding lands. A masterplan may assist in demonstrating how these requirements may be satisfied.

5.3. Housing Policy

- 5.3.1. The housing policies of Dublin City Council are set out in Chapter 5 of the development plan. The policies which are directly relevant to this appeal case are identified below.

- 5.3.2. **Policy QH1:** To have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), ‘Delivering Homes Sustaining Communities – Statement on Housing Policy’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009).
- 5.3.3. **Policy QH7:** To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- 5.3.4. **Policy QH21:** To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.
- 5.3.5. **Policy QH22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

5.4. **Infill Housing**

- 5.4.1. The development standards concerning infill housing are set out in section 16.10.10 of the development plan. In general, infill housing should comply with all relevant development plan standards for residential development. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed.
- 5.4.2. Infill housing should:
- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.
 - Comply with the appropriate minimum habitable room sizes.
 - Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

5.5. Private Open Space

5.5.1. A minimum standard of 10 m² of private open space per bedspace will normally be applied, with up to 60-70 m² of rear garden area sufficient for houses in the city.

5.6. Public Open Space

5.6.1. For Z15 zoned lands, a requirement for 25% accessible open space and/or provision of community facilities is required. Where the site is too small or inappropriate to fulfil a useful purpose, a financial contribution in lieu will be required.

5.7. Car Parking

5.7.1. The site is located in Area 2 of the city, within which, a maximum standard of 1 no. car parking space per dwelling applies.

5.8. Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

5.8.1. These Guidelines set out target gross floor areas for a range of different dwelling types. Those which are relevant to this case are identified below. No target gross floor area is identified for 5-bedroom/9-person dwellings.

House Type Bedroom (B) Person (P) Storeys (S)	Target GFA (m ²)	Min. main living room (m ²)	Aggregate living area (m ²)	Aggregate bedroom area (m ²)	Storage (m ²)
4-B/7-P/1-S	100	15	40	43	6
4-B/7-P/2-S	110	15	40	43	6
4-B/7-P/3-S	120	15	40	43	6

5.8.2. The Guidelines also recommend the following:

- A main bedroom area of at least 13 m² in dwelling for 3+ persons
- Double bedroom of at least 11.4 m² (min. width 2.8 m)
- A single bedroom of at least 7.1 m² (min. width 2.1 m)

- Min. obstructed living room width of 3.8 m for 3-bedroom dwellings.

5.9. National Planning Framework (NPF)

5.9.1. The NPF sets out objectives which aim to secure more compact and sustainable growth patterns in urban areas in the period to 2040.

5.9.2. **National Policy Objective 3b** seeks to deliver at least 50% of all new homes targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.10. Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities, May 2021

5.10.1. These Guidelines identify planning conditions to which planning authorities and the Board must have regard in granting planning permission for new residential development including housing and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that displaces individual purchasers and/or social and affordable housing, including cost rental housing.

5.10.2. The application of these conditions applies to all housing developments that include 5 or more houses and/or duplex units.

5.11. Natural Heritage Designations

5.11.1. Surface water and wastewater pathways ultimately lead to Dublin Bay approx. 13 km to the east of the subject site, which is subject to the following designations: South Dublin Bay and River Tolka Estuary SPA (site code: 4024), South Dublin Bay SAC (site code: 0210), North Dublin Bay SAC (site code: 0206) and North Bull Island SPA (site code: 4006).

5.11.2. The proposed development will be supplied with drinking water which originates from the Poulaphouca Reservoir SPA (site code: 4063) which is located c. 25 km to the south-west of the subject site.

5.12. EIA Screening

5.12.1. An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.12.2. It is proposed to construct 5 no. dwelling houses which is significantly below the 500-unit threshold noted above. The site has an area of 0.24 ha and is located within an existing built-up area but not in a business district. The site is therefore well below the applicable threshold of 10 ha. The introduction of this residential scheme would have no adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not like to have a significant effect on any European site. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Dublin City Council, upon which its effects would be marginal.

5.12.3. I have 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, and that on preliminary examination, an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been lodged by AKM Design on behalf of Tower View Cottages Residents, the grounds of which can be summarised as follows:

- The appropriate legal consent to install a 150 mm foul diameter sewer at Tower View Cottages has not been obtained.
- The proposal conflicts with the Z15 land use zoning of the site and the replacement of a swimming pool (community asset) with private housing has not been adequately justified. A comprehensive development proposal for the overall lands has not been provided.
- The proposed development will have a negative impact on local traffic and residential amenity.
- The impact of construction works on local residents was not addressed by the applicant, with the entire road at Tower View Cottages required to be excavated to install the new sewer serving the development.
- An autotrack analysis of the proposal, including bin lorry and fire tender access should be required.
- The proposed road layout does not comply with site development standards regarding the proposed hammerhead circle.
- No proper assessment undertaken of traffic impacts on foot of the proposed development, with no assessment of the traffic volumes generated by the development and the impact on the operational capacity of the road network in the vicinity.
- Road safety conditions were not considered as part of the planning application.
- The Planning Authority has failed to consider the inadequacy of the existing road access and poor junction layout, with numerous collisions at this location.

- Local residents are very concerned about the construction management stage of the project given the narrow width of the road at Tower View Cottages and the lack of footpath on both sides.
- Inadequate Construction Management and Demolition and Waste Management Plan.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Applicant Response

6.3.1. A first-party response to the appeal was received from Hendrik W van der Kamp on behalf of the applicant on 8th March 2021 which can be summarised as follows:

- Both foul and surface water pipes will be constructed in public lands. It is acknowledged that the applicant will require the consent of Dublin City Council to carry out these works. The Drainage Department noted no difficulties in relation to this issue.
- A planning permission does not give the applicant the right to carry out development. The requirement for consent for works on public lands does not present an impediment for planning permission to be granted.
- While the site is zoned for Z15 purposes, it is entirely independent from the existing institutional and community uses on the adjoining Z15 zoned lands. This facility was never open to the public and does not constitute a community asset.
- The swimming pool has not been in use for a number of years and is no longer required, with its vacant nature detracting from the school facilities.
- The use of the adjoining lands for school and sports facilities will remain unchanged on foot of the proposed development.
- The provision of private housing will contribute to the enrolment figures of both schools, which have been declining.
- During the construction phase, a temporary access road will be provided to the rear of the existing houses, and as such, there will be no impact on the

residential cul-de-sac. The final access arrangements will require agreement with Dublin City Council, and as such, it is inaccurate to assert that this matter has not been considered.

- During the operational phase, the development will be accessed via an extension of the cul-de-sac. There will be no difference in accessibility for heavy goods vehicles compared with the existing situation. As the existing hammerhead will not be affected in any way, there will be no change from current conditions for the placement of bins or turning of vehicles.
- The proposed development does not meet the minimum thresholds for the undertaking of a Traffic and Transport Assessment. Adequate visibility is available at the existing road junction, while the existing single footpath is sufficient for the safety of pedestrians.
- It is requested that An Bord Pleanála uphold the decision of Dublin City Council to grant planning permission for the proposed development.

6.3.2. The response includes letters of support from the principals of St. Vincent's primary and secondary schools.

6.4. **Observations**

6.4.1. One observation has been received from Cllr. Declan Meenagh, City Hall, Dublin 2. The issues which have been raised include: (1) the original use should be retained, (2) an additional community facility should be provided, (3) the pool was used by the public in the 1970s and this should be further investigated, (4) the works to facilitate the construction of the sewer will cause a lot of inconvenience, in particular in relation to parking, (5) noise and dust impacts on Tower View Cottages.

7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Principle of the Development
- Compliance with Z15 Land Use Zoning Objective
- Impact on Tower View Cottages
- Compliance with Development Management Standards
- Part V
- Regulation of Commercial Institutional Investment in Housing
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. **Principle of the Development**

7.3.1. The appellant submits that the applicant does not have consent to install the proposed 150 mm diameter foul sewer within the roadway at Tower View Cottages. It is submitted that these lands are not within the applicant's ownership and that no letter of consent has been provided from the relevant landowner to undertake these works. In response to the foregoing, the applicant's agent submits that the installation of both foul and surface water pipes will take place in public lands, comprising the existing roadway and a small section of open space. The applicant's agent acknowledges that the consent of Dublin City Council will be required to undertake these works but notes that this is not an impediment to the granting of planning permission in this instance.

7.3.2. In considering this issue, I note that the Drainage Division of Dublin City Council did not raise any objections to the proposed development. In my opinion, the extent and location of the proposed infrastructural works has been clearly identified in the planning application and the issue of whether the applicant has sufficient legal interest to undertake these works, is not open for adjudication under this planning application. In this regard I draw the Board's attention to Part III, S. 34 (13) of the Planning and Development Act, 2000 (as amended), which states that a person shall

not be entitled solely by reason of a permission under this section to carry out any development.

7.3.3. As such, I do not consider that this matter would preclude the granting of planning permission in this instance.

7.4. Compliance with Z15 Land Use Zoning Objective

7.4.1. The appellant submits that the proposed development conflicts with the Z15 land use zoning of the site. It is considered that the replacement of the swimming pool community asset with private housing has not been adequately justified and a comprehensive development proposal for the overall lands has not been provided. In response to the foregoing, the appellant's agent submits that the swimming pool site is entirely independent from the existing institutional and community uses on the adjoining Z15 zoned lands. It is further submitted that the pool was never open to the public and does not constitute a community asset.

7.4.2. In considering this issue I note that residential land uses are open for consideration under the Z15 land use zoning objective which applies to the site. The development plan requires that where there is an existing institutional/community use, several criteria must be satisfied when development is proposed on part of the landholding. This matter was addressed by the applicant at planning application stage and expanded upon on at Further Information and Clarification of Further Information stages.

7.4.3. The applicant has confirmed that the adjoining school buildings are in the ownership of the ERST, with ownership of the sports fields in the process of being transferred. The school enrolment figures are stated to be below the capacity of both facilities and as such, any future expansion is likely to be modest. A drawing has been provided to demonstrate how an additional classroom could be provided to each school building if required. It has also been confirmed that the existing use of the schools and sports fields will be retained and will be unaffected by the current proposal.

7.4.4. Having regard to the foregoing, I am satisfied that the applicant has met the requirements for the development of this Z15 zoned site for residential purposes, as set out in section 14.8.14 of the development plan.

7.5. Impact on Tower View Cottages

- 7.5.1. The appellant submits that the proposed development will have a negative impact on the residential amenity of Tower View Cottages. Concerns have been raised in relation to traffic, access, pedestrian safety, parking, bin storage and construction disturbance issues.
- 7.5.2. In considering the issue of traffic, I note that construction traffic will enter the site through the proposed temporary construction access route within the grounds of St. Vincent's CBS. As such, this traffic will not utilise the public road adjoining Tower View Cottages. The applicant's Construction Management Plan confirms that no on-street parking will be permitted by site operatives and visitors, who will be directed to park within the site. A traffic management plan will be prepared and implemented to ensure continued safe access and egress to/from the car parking area during the construction phase.
- 7.5.3. In considering the operational traffic movements which would arise on foot of the proposed development, I note that 1 no. in-curtilage parking space is proposed for each dwelling. The existing hammerhead within the cul-de-sac at Tower View Cottages will remain, while a turning circle is proposed at the end of the extended cul-de-sac. The applicant's agent has confirmed that there will be no changes to the current arrangements for bin storage or turning movements within the existing hammerhead.
- 7.5.4. The appellant submits that the proposed road layout does not comply with site development standards regarding the proposed hammerhead circle, that no assessment of the impact of the additional traffic on the operational capacity of the road network has been undertaken and that road safety conditions were not considered as part of the planning application.
- 7.5.5. In my opinion, the additional traffic movements which would arise on foot of this small-scale, infill residential scheme would have no significant impact on the operation of the existing road network. I note that the Transportation Planning Division of Dublin City Council had no objection to the proposed development subject to conditions, including the requirement that all roads to be taken-in-charge comply with the Construction Standards for Roads and Street Works and the Code of Practice. Having regard to the foregoing, I am satisfied that no undue traffic

impacts would arise during the construction or operational phases of the proposed development.

- 7.5.6. In considering the concerns which have been raised regarding pedestrian safety, I note that an existing footpath extends along the length of the public road adjacent to Tower View Cottages. No changes are proposed to this footpath on foot of the proposed development. I note that the proposed dwellings will be served by a new footpath which will extend along the south-eastern side of the extended cul-de-sac. I am satisfied that the proposed pedestrian access arrangements would be acceptable, having regard to the limited number of existing and proposed dwellings.
- 7.5.7. In considering the potential for disturbance impacts to arise to the residents of Tower View Cottages on foot of the proposed development, it is acknowledged that some level of disturbance will arise. However, the subject site and adjoining lands are zoned lands located in an inner suburban area. In this regard I note that the Construction Management Plan identifies measures to avoid nuisance impacts arising to neighbouring residents. The final details of this plan and a construction traffic management plan will be subject to agreement with the Planning Authority prior to commencement of development, and as such, I am satisfied that these matters can be satisfactorily addressed by way of planning condition.
- 7.5.8. In considering the impact of the proposed development on the existing dwellings at Tower View Cottages, I note that unit nos. 2-5 on the eastern side of the site generally reflect the alignment of Tower View Cottages. While the proposed dwellings vary from 2-2.5 storeys in height (1.5 storeys including unit no. 1), I consider that this scale of development would be appropriate in this inner suburban location.
- 7.5.9. The roof profile of house no. 2 was amended from an A-roof with gable wall to a hipped roof profile by way of the applicant's response to the Request for Further Information. The applicant submits that the revised roof design will result in the achievement of 85.6% of the recommended BRE target values for sun lighting on the amenity space which adjoins No. 15 Tower View Cottages (50% of the space to receive at least 2 hours of sunlight on 21st March). A sunlight assessment and shadow study has been submitted to demonstrate the revised proposals.

- 7.5.10. In the event the proposed amendments are considered unacceptable, the applicant's agent submits that the width of house nos. 2-5 could each be reduced by 125 mm, enabling the gable wall of proposed house no. 2 to be relocated by 500 mm in a southerly direction. This amendment would allow 100% of the recommended BRE target value for sunlight to be achieved in the adjoining amenity space.
- 7.5.11. Given that unit nos. 2- 5 all exceed the minimum floor area targets identified in the Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) (as discussed further in section 7.6 below), that the applicant is willing to accept this amendment and having regard to the limited size of the amenity space to the side of No. 15 Tower View Cottages, I consider that the proposed design amendment would be appropriate to enable the recommended BRE target value to be achieved. This matter can be addressed by planning condition.
- 7.5.12. In considering the potential for overlooking impacts to arise to neighbouring dwellings, I note that condition no. 6 (ii) of Dublin City Council's Notification of the Decision to Grant Planning Permission requires the omission of the north-facing corner window to the 1st floor bedroom of house no. 2. In considering the foregoing, I note that the amenity space to the side of No. 15 Tower View Cottages opens directly onto the public road and has no screening where it adjoins the hammerhead within the cul-de-sac. As such, I consider that the omission of this window, which serves a bedroom rather than a primary living space, is unnecessary. In the event the Board disagrees with my assessment, this matter could be addressed by planning condition.
- 7.5.13. In my opinion, no other overlooking concerns arise on foot of the proposed development.

7.6. Compliance with Development Management Standards

- 7.6.1. All the proposed units exceed the target floor areas for dwellings as set out in the Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). One car parking space is proposed per dwelling which is also in accordance with development plan standards.
- 7.6.2. The proposed private garden spaces range in size from 71 – 141 m², and as such, comply with development plan standards. I note that no public open space is proposed in this instance, which I consider to be reasonable based on the site size.

The development plan and the Dublin City Council Development Contribution Scheme 2020-2023 allow for the payment of a financial contribution in lieu of public open spaces in such instances, and I note that an appropriate condition has been attached to the Planning Authority's Notification of the Decision to Grant Permission.

- 7.6.3. In my opinion, the payment of a financial contribution in lieu of public open space would not be necessary in this instance having regard to the limited site size and the number of dwellings proposed. I also note the existing playing pitches on the remaining Z15 zoned land bank will be retained. In the event the Board disagrees with my assessment on this matter, I note that it can be addressed by way of condition should planning permission be granted for the proposed development.

7.7. Part V

- 7.7.1. I acknowledge the changes which have arisen to Part V of the Planning and Development Act, 2000 (as amended) by the Affordable Housing Act, 2021. Notwithstanding the foregoing, I note that a Social Housing Exemption Certificate is included with the planning application. As such, in the event planning permission is granted, I consider that the requirements of Part V of the Act do not apply to the proposed development.

7.8. Regulation of Commercial Institutional Investment in Housing

- 7.8.1. The proposed development includes 5 no. dwelling houses, and as such, I consider that a condition restricting the occupation of the units to individual purchasers should be attached if planning permission is granted by the Board.

7.9. Appropriate Assessment Screening

- 7.9.1. The subject site is not located within or directly adjacent to any Natura 2000 site, and as such, there is no potential for direct impacts to occur. Surface water and wastewater pathways ultimately lead to Dublin Bay, which is subject to a number of designations including, South Dublin Bay and River Tolka Estuary SPA (site code: 004024), South Dublin Bay SAC (site code: 000210), North Dublin Bay SAC (site code: 000206) and North Bull Island SPA (site code: 004006). Drinking water supply for this development will originate from Poulaphouca Reservoir SPA (site code: 004063), and as such, this site is also considered to fall within the zone of influence of the proposed development.

- 7.9.2. The site is not located directly adjacent to any water course and there are no habitats which could be considered wetlands. There are no habitats which are examples of those listed in Annex II of the Habitats Directive. No alien invasive plant species are present.
- 7.9.3. Currently there is no attenuation of rain run-off and surface water is likely to percolate to ground. The proposed development will incorporate SuDS in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). I note that these are standard features for residential development not specifically included to mitigate against impacts on a European site. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.
- 7.9.4. Freshwater supply will be via mains supply which originates in the Poulaphouca Reservoir. Foul effluent will be discharged to the wastewater treatment plant (WWTP) at Ringsend and will ultimately discharge to Dublin Bay. There is potential for a distant hydrological connection between the subject site and the sites in Dublin Bay due to the wastewater pathway. However, having regard to the scale of the proposed development, the foul discharge from the site will be negligible in the context of the overall licenced discharge at Ringsend WWTP.
- 7.9.5. While the applicant's screening report notes that emissions from this plant are currently not in compliance with the Urban Wastewater Treatment Directive, I further note that the pollutant content of discharges to Dublin Bay is likely to decrease in the longer term due to the permission to upgrade the WWTP which was granted in 2019. It is also an objective of the GDSDS and all development plans in the catchment of Ringsend WWTP to include SuDS within new developments and to protect water quality in the receiving freshwater and marine environments and to implement the WFD objective of achieving good water quality status in Dublin Bay.
- 7.9.6. Thus, I conclude that the proposed development will not impact on the water quality status of Dublin Bay. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from

Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded.

- 7.9.7. Based on the foregoing and having regard to the qualifying interests and conservation objectives for the European sites identified in Appendix 1 of this report, I consider that the following sites can be screened out from further assessment: South Dublin Bay SAC (site code: 000210) and North Dublin Bay SAC (site code: 000206). Having regard to the nature of the qualifying interests for Poulaphouca Reservoir SPA (site code: 004063), the nature and scale of the proposed development and the separation distances which arise, I consider that this site can also be screened out from further assessment.
- 7.9.8. The sports pitches (amenity grassland) which adjoin the subject site to the south are used by wintering birds, in particular Light-bellied Brent Geese. The applicant's AA screening report notes that this site was identified as being of "major importance" with a peak count of 408 no. birds in 2016. No loss of feeding habitat for the geese will arise on foot of the proposed development, as the amenity grassland is located outside of the development boundary. However, construction activities during the wintering season have the potential to cause disturbance to geese, which could result in displacement for the duration of the construction phase.
- 7.9.9. Based on the foregoing, significant effects to South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and Dublin Bay SPA and North Bull Island SPA (Site Code: 004006) cannot be ruled out and therefore the carrying out of an Appropriate Assessment is necessary in relation to these sites.

Appropriate Assessment

- 7.9.10. The planning application includes a NIS and I have had regard to same. The qualifying interests and conservation objectives for the European sites which have been screened in for the purposes of AA are identified in the tables overleaf.

South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)

<p>Qualifying Interests</p>	<p>Light-bellied Goose Branta (bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa tetanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetlands [A999]</p>
<p>Conservation Objective(s)</p>	<ul style="list-style-type: none"> - To maintain the favourable conservation condition of Light-bellied Brent Goose in South Dublin Bay and River Tolka Estuary SPA (A046) - To maintain the favourable conservation condition of Oystercatcher in South Dublin Bay and River Tolka Estuary SPA (A130) - To maintain the favourable conservation condition of Ringed Plover in South Dublin Bay and River Tolka Estuary SPA (A137) -To maintain the favourable conservation condition of Knot in South Dublin Bay and River Tolka Estuary SPA (A143) - To maintain the favourable conservation condition of Sanderling in South Dublin Bay and River Tolka Estuary SPA (A144) - To maintain the favourable conservation condition of Dunlin in South Dublin Bay and River Tolka Estuary SPA (A149) - To maintain the favourable conservation condition of Bar-tailed Godwit in South Dublin Bay and River Tolka Estuary SPA (A157) - To maintain the favourable conservation condition of Redshank in South Dublin Bay and River Tolka Estuary SPA (A162)

	<ul style="list-style-type: none"> - To maintain the favourable conservation condition of Black-headed Gull in South Dublin Bay and River Tolka Estuary SPA (A179) - To maintain the favourable conservation condition of Roseate Tern in South Dublin Bay and River Tolka Estuary SPA (A192) - To maintain the favourable conservation condition of Common Tern in South Dublin Bay and River Tolka Estuary SPA (A193) - To maintain the favourable conservation condition of Arctic Tern in South Dublin Bay and River Tolka Estuary SPA (A194) - To maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it (A999).
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North Bull Island SPA (Site Code: 004006)

Qualifying Interests	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
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<p>Conservation Objective(s)</p>	<ul style="list-style-type: none"> - To maintain the favourable conservation condition of Light-bellied Brent Goose in North Bull Island SPA (A046) - To maintain the favourable conservation condition of Shelduck in North Bull Island SPA (A048) - To maintain the favourable conservation condition of Teal in North Bull Island SPA (A052) - To maintain the favourable conservation condition of Pintail in North Bull Island SPA (A054) - To maintain the favourable conservation condition of Shoveler in North Bull Island SPA (A056) - To maintain the favourable conservation condition of Oystercatcher in North Bull Island SPA (A130) - To maintain the favourable conservation condition of Golden Plover in North Bull Island SPA (A140) - To maintain the favourable conservation condition of Grey Plover in North Bull Island SPA (A141) - To maintain the favourable conservation condition of Knot in North Bull Island SPA (A143) - To maintain the favourable conservation condition of Sanderling in North Bull Island SPA (A144) - To maintain the favourable conservation condition of Dunlin in North Bull Island SPA (A149) - To maintain the favourable conservation condition of Black-tailed Godwit in North Bull Island SPA (A156) - To maintain the favourable conservation condition of Bar-tailed Godwit in North Bull Island SPA (A157) - To maintain the favourable conservation condition of Curlew in North Bull Island SPA (A160) - To maintain the favourable conservation condition of Redshank in North Bull Island SPA (A162) - To maintain the favourable conservation condition of Turnstone in North Bull Island SPA (A169) - To maintain the favourable conservation condition of Black-headed Gull in North Bull Island SPA (A179) - To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it (A999)
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- 7.9.11 Given the significance of the adjoining playing pitches for Light-bellied Brent Geese, the proposed development could contribute to a temporary decline in goose numbers using the bay in the absence of mitigation. This impact would be contrary to the conservation objectives of the SPA's.
- 7.9.12 The mitigation measures which are proposed to avoid such impacts arising include: (1) construction works will not start during the wintering bird season, (2) during preliminary construction works, the site will be screened from the amenity grassland with hoarding of at least 4 m in height. The applicant's NIS notes that the birds are sensitive to human disturbance but are less sensitive to noise. As such, if the birds do not have views into the site, it is submitted that they will continue to avail of the amenity grassland.
- 7.9.13 Mitigation measure no. 1 was expanded upon by way of the applicant's response to the Request for Further Information, which noted that construction works for the proposed development were anticipated to commence in April/May 2021 when Brent Geese have left for their summer grounds in the Arctic. Demolition, site stripping and site works were expected to take 4 weeks, with this phase due for completion by May/June 2021. The houses are to be constructed in timber frame, which is noted to be a much quicker form of construction, and as such, the houses were expected to be weather tight with external works completed by the end of June. External construction works will therefore be completed by October, and likely much earlier, when Brent Geese typically return to Ireland. As such, it is submitted that the birds will not experience construction noise at a level which is likely to result in disturbance.
- 7.9.14 In my opinion, the mitigation measures which have been proposed in this instance are acceptable. I note that the Parks and Landscape Department of Dublin City Council has identified that the timing of the site construction works coincides with the bird nesting season, which represents a risk with respect to proposed tree removal. In my opinion, this matter can be satisfactorily addressed by way of condition.
- 7.9.15 Given the largely developed nature of the immediately surrounding lands, no developments were identified in the surrounding area that could lead to potential in-combination effects with the proposed development.

7.9.16 I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Bull Island SPA (Site Code: 004006), or any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the proposed development.

9.0 Reasons and Considerations

9.1. Having regard to the location of the site on serviced urban land, the Z15 residential land use zoning of the site under which residential development is open for consideration, the retained community use of the remaining Z15 zoned lands at this location and the nature and scale 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 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.	<p>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 22nd day of September 2020 and 10th December 2020, 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<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>
3.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme (St. Stephen's Green to Broombridge) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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</p>

	Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.
4.	<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>
5.	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory</p>

	<p>documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
6.	<p>The proposed development shall be amended as follows:</p> <p>The north gable wall of proposed house no. 2 shall be set back from the northern site boundary by 500 mm which shall be achieved by reducing the width of proposed house nos. 2, 3, 4 and 5.</p> <p>Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In order to reduce overshadowing and safeguard the residential amenities of property in the vicinity.</p>
7.	<p>(i) Site clearance works, including demolition of built structures and removal of existing vegetation, shall avoid disturbance of wintering migratory birds, including Light-bellied Brent Goose, during September – March.</p> <p>(ii) Works proposed to be undertaken during the bird nesting season (1st March – 1st September) can only proceed subject to on-site verification by a suitably qualified ecologist, that no nests are present.</p> <p>Reason: To prevent disturbance to nesting birds, species scheduled under the Wildlife Act and the EU Habitats Directive and in the interest of nature conservation.</p>
8.	<p>(i) The site shall be resurveyed for the presence of bats prior to the commencement of site clearance, demolition and construction works. The results of this survey, including any actions arising, shall be submitted to,</p>

	<p>and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(ii) Bat boxes shall be installed on site in accordance with the mitigation measures identified in the Bat and Nesting Bird Survey.</p> <p>Reason: In the interest of wildlife protection.</p>
9.	<p>(i) 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.</p> <p>(ii) The developer shall appoint a suitably qualified ecologist to verify that the proposed lighting plan complies with the recommended mitigation measures of the Bat and Nesting Bird Survey.</p> <p>Reason: In the interest of wildlife protection and public safety.</p>
10.	<p>The developer shall appoint a suitably qualified arboriculturist to supervise site works in accordance with the recommendations of the Arboricultural Assessment of Trees and Tree Protection Measures report submitted to the Planning Authority on 22nd September 2020.</p> <p>Reason: To ensure that site trees are not damaged or otherwise adversely affected by building operations.</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for the development including the temporary construction access, hours of working, traffic management arrangements, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

12.	<p>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.</p> <p>Reason: In the interest of public health.</p>
13.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
14.	<p>The internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
15.	<p>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. 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.</p> <p>Reason: In the interest of urban legibility.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Louise Treacy
Planning Inspector

26th November 2021

Appendix 1: European Sites

South Dublin Bay SAC (site code: 000210)	
Qualifying Interests	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
Conservation Objective(s)	<p>- To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC (1140)</p>

North Dublin Bay SAC (Site Code: 000206)	
Qualifying Interests	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Conservation Objective(s)	<p>- To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Dublin Bay SAC (1140)</p> <p>- To restore the favourable conservation condition of Annual vegetation of drift lines in North Dublin Bay SAC (1210)</p> <p>- To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in North Dublin Bay SAC (1310)</p>

	<ul style="list-style-type: none"> - To maintain the favourable conservation condition of Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) in North Dublin Bay SAC (1330) - To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in North Dublin Bay SAC (1410) - To restore the favourable conservation condition of Embryonic shifting dunes in North Dublin Bay SAC (2110) - To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in North Dublin Bay SAC (2120) - To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in North Dublin Bay SAC (2130) - To restore the favourable conservation condition of Humid dune slacks in North Dublin Bay SAC (2190) - To maintain the favourable conservation condition of Petalwort in North Dublin Bay SAC (1395)
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Poulaphouca Reservoir SPA (Site Code: 004063)	
Qualifying Interests	<p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p>
Conservation Objective(s)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.