



An
Bord
Pleanála

Inspector's Addendum Report

ABP-314994-22

Development

Demolition of house and ancillary outbuildings and the construction of a two to four storey building accommodating 19 apartments, vehicular access via Lucan Road, 11 car parking spaces, 20 bicycle parking spaces and ancillary services

Location

Hillhouse, Lucan Road, Lucan, Co. Dublin

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD22A/0324

Applicant

Frances Dowling

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v Refusal of Permission

Appellant

Frances Dowling

Observers

1. Daniel Kennedy & Amanda Roche
2. Lucan Heights Residents

3. Bernard J. Coyne & Vivienne
Coyne
4. Graham J. Coyne

Date of Site Inspection

13th February 2024

Inspector

Anthony Kelly

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1.0 Introduction

- 1.1. This addendum report should be read in conjunction with my original Inspector's report on file dated 19th February 2024.
- 1.2. Board Direction BD-015851-24 dated 15th March 2024 contains the Board's direction in relation to this addendum report. It states as follows.

'The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/03/2024.

The Board decided to defer consideration of this case and to issue a Section 132 notice to the applicant regarding the following:

The Board had regard to the additional information requirements identified in the assessment by the planning authority contained in Record of Executive Business and Chief Executive's Order (PR/1240/22)¹ regarding (i) Landscape and Open Space on page 21, (ii) Drainage and Water Services on pages 21 and 22, and (iii) Green Infrastructure on page 23.

In order to facilitate a complete assessment of the proposed development, the applicant is requested to provide the relevant further information identified in the above sections.

(Allow 6 weeks)

Note to Processing

On receipt of submissions, please cross-circulate to all Parties and persons that made observations under section 131 for submissions or observations (allow 3 weeks).

All submissions received under section 132 together with any submissions or observations received under section 131 to be sent to Inspectorate Division for an Addendum Report'.

¹ Referred to as the planning authority Planning Report elsewhere in this addendum report.

2.0 Further Information Requirements Identified in the Planning Authority Assessment

- 2.1. The further information issues set out under the relevant sections of the planning authority's assessment of the proposed development were as follows.

Landscaping and Open Space

- 2.2. The Parks and Public Realm Department considered that information is required to facilitate a complete assessment of the proposed development. The issues raised related to a green infrastructure plan, a revised landscape plan, public open space, sustainable urban drainage systems (SuDS), and green space factor (GSF).

Drainage and Water Services

- 2.3. The Drainage and Water Services Department considered information provided was insufficient to facilitate a complete assessment. The issues raised related to a percolation test, the attenuation capacity, the attenuation tank, and Irish Water.

Green Infrastructure

- 2.4. The issues in this subsection of the assessment related to the GSF and a green infrastructure plan.

3.0 Applicant's Response to the Further Information Request

- 3.1. The further information request letter issued to the applicant on 10th May 2024. The response was received on 19th June 2024.
- 3.2. The response includes a cover letter dated 19th June 2024, a Green Infrastructure Report/Plan dated June 2024, an engineering cover letter dated 11th June 2024, and associated documentation and drawings which are referenced in section 5.0.

4.0 Prescribed Bodies and Observers Responses to the Applicant's Further Information Response

- 4.1. On 23rd July 2024 the planning authority and the four observers were invited to make a submission or observation in relation to the applicant's further information response. The responses received are summarised below².

South Dublin County Council

'The planning authority confirms its decision. The issues raised in the appeal have been covered in the Chief Executive Order'.³

Lucan Heights Residents Association

- The information sought was solely to ensure the Board has a complete set of documents.
- The Board can only consider the proposed development in terms of the statutory development plan for the area and the proper planning and sustainable development of the area. Ministerial guidelines can only be countenanced in the context of the South Dublin County Development Plan (SDCDP) 2022-2028 and the Board is asked to pay particular regard to appendix 10 of same in relation to density and height. The character of the area is two storey houses on medium size plots with on-site car parking.
- The submitted information does not overcome the reasons for refusal given by the planning authority and the Board on the previous applications.

Bernard J. Coyne & Vivienne Coyne

- The applicant has failed to provide an appropriate score in relation to the minimum GSF.
- The northern hedgerow boundary to be removed has not been screened for bats, badgers, insects, or any other biodiverse features. As such the development fails to adhere to the requisite standards set out by the SDCDP 2022-2028 particularly in relation to seven identified objectives.

² The two observers responses received also refer to issues previously set out in section 6.3 of my original Inspector's report dated 19th February 2024.

³ This is the full extent of the planning authority's response.

- The absence of a confirmation of feasibility is a shortfall in the response.
- A financial contribution in lieu of public open space is not sufficient to overcome the issue and the Board should refuse the application outright or attach a condition reducing the number of apartments to align with public open space requirements.

5.0 Assessment of Further Information Response

Given the extent of the crossover among the three separate further information areas i.e. landscaping and open space, drainage and water services, and green infrastructure, I consider it is more appropriate to assess the applicant's response under broader collective themes, in the interest of clarity. All issues set out in the planning authority Planning Report as referenced in the Board Direction are addressed.

5.1. Green Infrastructure

- 5.1.1. Green infrastructure issues raised in the further information request relate to a green infrastructure report/plan, a revised landscape plan, public open space, and GSF. These are addressed as follows.

Green infrastructure report/plan

- 5.1.2. A Green Infrastructure Report/Plan dated June 2024 was submitted as required. A background to green infrastructure is outlined and both the site and the receiving environment are described. The site is located within the Liffey Valley Corridor and there are objectives in place in this regard. Detail regarding GSF is contained within the document, and this is addressed in paragraphs 5.1.10-5.1.14 of this inspector's report. I consider that the submitted report/plan is adequate.

Landscape plan

- 5.1.3. A revised landscape plan showing open space and sustainable drainage measures was required. A tree removal/retention plan (drg. no. 4397/24/001) was submitted. However, this drawing appears to comprise a proposed landscape plan rather than a tree removal/retention plan.

5.1.4. The plan shows grassed communal open space, mixed-shrub planting, proposed tree planting, and the retention of the hedge on the eastern boundary. Though no drainage measures are indicated on the landscape plan, drainage infrastructure is shown on drawing no. GK19106C101 also submitted with the response. The accompanying engineering cover letter notes that the attenuation system is designed to fully infiltrate on site. The Green Infrastructure Report/Plan references the replacement of impermeable surfaces with permeable paving and additional tree planting.

5.1.5. I consider the landscape plan is adequate.

Public open space

5.1.6. The applicant states in the further information response cover letter that no public open space is provided for within the development.

5.1.7. Apartments are referenced in section 12.6.7 (Residential Standards) of the SDCDP 2022-2028. Although it contains a subheading for communal/semi-private space, there is no reference to a requirement for public open space provision. Notwithstanding, table 12.22 (Minimum Public Open Space Standards) of the Plan requires new residential development on land zoned 'RES' to provide open space at a minimum 10% of the site area. For the site, this would be a minimum area of 192.5sqm in addition to the required communal open space area. However, section 8.7.4 (Delivery of Public Open Space and Contributions in Lieu) of the Plan states the Council may, in certain circumstances, determine a financial contribution in lieu of the public open space requirement for a particular development. The outlined circumstances include where the provision of open space would be so small that it would not be viable due to the size, shape, configuration, or context of the site. According to section 8.7.4, the contribution in lieu will be calculated in accordance with the section 48 development contribution scheme.

5.1.8. I note that the absence of public open space provision was not cited as a reason for refusal of the planning application by SDCC and the planning authority has not made any reference to it in its response to the applicant's further information response.

5.1.9. Having regard to the relatively limited size of the site and therefore the limited public open space area required, the extent of communal open space provided, and the obligation to achieve an appropriate density on this brownfield site, I am satisfied that the proposed development falls into a development type for which a contribution in lieu

can be levied as per section 8.7.4 of the Plan. A condition in relation to same can be included should the Board decide to grant permission.

Green space factor (GSF)

- 5.1.10. The applicant's Green Infrastructure Report/Plan dated June 2024 states that the existing site has a GSF of 0.21. The online GSF tool was used to calculate a score of 0.47 for the proposed development, below the 0.5 minimum required score. The report/plan states that, to achieve the required sustainable residential density, there is limited capacity to achieve the GSF. The proposals are a significant improvement on the existing conditions, primarily due to the proposed green roofs and permeable paving, and the proposals are in no way contrary to the stated objectives for the Liffey Valley Corridor.
- 5.1.11. Section 12.4.2 (Green Infrastructure and Development Management) of the SDCDP 2022-2028 includes a section for when the minimum score is not achieved. Where a proposed development does not meet the minimum required score and the Council agree that the minimum score is not achievable on site it will engage with the applicant to help determine an alternative GI solution. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements a developer will be permitted to provide alternative GI interventions or contributions to make up for this shortcoming. GI measures ultimately chosen will be dictated by the site-specific context and will be subject to agreement with Council. A number of alternative GI interventions are set out such as bird/bat boxes and bee bricks.
- 5.1.12. As with the lack of public open space provision, I note that the GSF shortfall was not cited as a reason for refusal of the planning application by SDCC and the planning authority has not made any reference to it in its response to the applicant's further information response.
- 5.1.13. I consider that the marginal shortfall in achieving the 0.5 GSF is not material and is not a reason to refuse permission for the proposed development. I consider a condition can be attached to a grant of permission to require the achievement of the required score or to engage with the Council to determine an alternative GI solution.
- 5.1.14. While I note the subject site is within/adjacent to the Liffey Valley Primary GI corridor the site itself is not of any particular value. Notwithstanding, I note that Lucan Heights, adjacent to the south, is identified as a stepping stone area for the Liffey Valley Corridor. Therefore a condition as set out in the previous paragraph is appropriate.

Conclusion

5.1.15. I consider that the Green Infrastructure Report/Plan and the landscape plan submitted are adequate to address the relevant further information requests. The absence of public open space provision can be subject of an additional financial contribution condition and a condition can also be attached to any grant of permission that may issue relating to the shortfall in the required GSF score requiring the applicant to engage with the planning authority to determine an alternative solution. I do not consider permission should be refused because of green infrastructure issues. This would require an additional two conditions to be attached to the conditions recommended in my original Inspector's report dated 19th February 2024.

5.2. Drainage and Water Services

5.2.1. Drainage and water services issues raised in the further information request relate to SuDS, a percolation test, attenuation capacity, the attenuation tank, and Irish Water. These issues are addressed as follows.

SuDS

5.2.2. The landscape plan referred to in paragraphs 5.1.3-5.1.5, which was sought by the Parks and Public Realm Department, was to show sustainable drainage measures including planting details as appropriate. The Department also sought details both on how the SuDS measures work to function as part of an overall management train and 'A SuDS Plan showing above ground natural SuDS demonstrating the four pillars of SuDS: amenity, biodiversity, water treatment and attenuation. Details for all SuDS features to demonstrate how the [sic] function'.

5.2.3. Limited SuDS information, of the type required in the previous paragraph, has been submitted as part of the further information response other than planting detail in the tree removal/retention plan / landscape plan and areas draining to the soakway (drawing no. GK19106C104)⁴. Therefore, I do not consider that the SuDS related further information requests have been adequately addressed.

5.2.4. Notwithstanding, I consider that the detail sought in paragraph 5.2.2 can be submitted as a compliance condition should permission be granted. I do not consider that its

⁴ Drawing no. GK19106C104 states that 430sqm paved area is drained to the soakway but drawing no. GK19106C101 states that the area drained is 390sqm.

absence from the further information response is an omission fatal to the planning application, and I note that concern in relation to surface water was not a reason for refusal in previous applications on site. I am satisfied that these measures can be accommodated within the site and that this can be addressed by way of an appropriate condition.

Percolation test

- 5.2.5. In response to a request for additional detail on the percolation test carried out on site, the applicant states that a site-specific percolation test was carried out by IGSL in April 2019 in accordance with the requirements of BRE Digest 365. Detail in relation to this issue has been submitted including a site investigation report.
- 5.2.6. I am satisfied that the response submission in this regard adequately addresses the Drainage and Water Services Department request relating to the percolation test previously carried out on site and that it contains appropriate detail.

Attenuation capacity

- 5.2.7. The Drainage and Water Services Department required the applicant to state the attenuation capacity of the drainage features on site in m³. The required storage volume cited is 71.94m³ and the provided storage volume provided is 86.4m³ as per page C/01 of appendix A of the further information response. The areas draining to the soakaway, as per drawing no. GK19106C104, is approx. 1,100sqm comprising the paved car parking/circulation area, roof area, and footpaths). Coefficient detail is also provided.
- 5.2.8. I consider that the applicant has adequately addressed the issues raised in relation to the attenuation capacity and I consider the response to be adequate. It is stated that the system is designed to fully infiltrate on site.

Attenuation tank

- 5.2.9. The Drainage and Water Services Department states that the use of concrete attenuation tanks is not recommended and that an alternative attenuation system such as an arch type is required only where SuDS is not adequate to attenuate all surface water on site.

5.2.10. The applicant's further information response indicates that, although the attenuation system fully infiltrates on site, it is proposed to provide 'a proprietary SC740 arch type attenuation system'. Therefore, it appears that the response is not in line with the Drainage and Water Services Department's recommendation.

5.2.11. Notwithstanding, I do not consider this to be an issue fatal to the planning application. I consider it appropriate in this regard that the final design of the proposed attenuation system should be agreed with the planning authority.

Irish Water

5.2.12. The applicant was required to obtain a confirmation of feasibility for the water and foul water infrastructure. This has not been submitted with the applicant's response.

5.2.13. The absence of the confirmation of feasibility is a deficiency in the application. However, again, I do not consider that it is an issue that is fatal to the application. The Irish Water report on file does not suggest that there is a water or foul water capacity issue at this location. The Irish Water reports submitted on both previous applications on site (SD19A/0198 and SD20A/0142) indicated no objection subject to the developer entering into water and wastewater connection agreements prior to the commencement of development.

5.2.14. In the circumstances, and notwithstanding the non-compliance with this further information item, I consider that recommended condition 9 is sufficient to address this issue.

Conclusion

5.2.15. I consider that some of the surface water drainage and water services further information issues have been adequately addressed i.e. percolation test details and attenuation capacity. However, other issues have not i.e. SuDS, attenuation tank, and Irish Water. Notwithstanding, I do not consider that the outstanding issues are such that a refusal of permission is required, and I consider that they can be appropriately addressed by way of a compliance condition. In this regard I note that a compliance condition requiring drainage detail to be agreed with the planning authority is a standard compliance condition for any residential development such as the type proposed. This would allow any specific technical/detailed design requirements of SDCC to be addressed in relation to the attenuation and disposal of surface water. In

relation to Irish Water I consider condition 8 of my original Inspector's report dated 19th February 2024 to be sufficient.

- 5.2.16. The planning authority was invited to make an observation on the further application response, but it did not engage with the documentation submitted.

5.3. Conclusion

- 5.3.1. Further to the applicant's response to the further information request, I consider that a grant of permission remains the appropriate recommendation as set out in my original Inspector's report dated 19th February 2024. Notwithstanding, I consider two additional conditions are warranted, in relation to the achievement of the GSF and for a financial contribution in lieu of public open space provision, and I also consider that a more detailed surface water condition is appropriate having regard to the provisions of section 5.2.
- 5.3.2. In the interest of clarity I will restate my recommendation, reasons and considerations, and set out the conditions I consider to be appropriate.
- 5.3.3. In conclusion, I would again note that this addendum report should be read in conjunction with my original Inspector's report on file dated 19th February 2024.

6.0 Note to Board

- 6.1.1. I would draw the Board's attention to condition 17 in my original Inspector's report dated 19th February 2024. This condition restricts all apartment 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. I consider that this condition should not have been included as the Regulation of Commercial Institutional Investment in Housing Guidelines (2021) only refers to houses and duplex units and I have omitted it from my recommended conditions in section 9.

7.0 Recommendation

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

8.0 Reasons and Considerations

Having regard to the zoning of the site and the other provisions of the South Dublin County Development Plan 2022-2028, the nature and scale of the proposed development, the use of the existing access, and the design of the proposed entrance arrangements, it is considered that, subject to compliance with the conditions as set out below, the proposed residential development would make efficient use of an appropriately zoned brownfield site within the built-up area of Lucan, would positively contribute to compact growth and an increase in housing stock in this urban area, would be acceptable in terms of design, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area, would not result in a traffic hazard, and would not affect the setting of the adjacent protected structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on 19th June 2024, 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 indicated and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit for the written approval of the planning authority the detailed design of the vehicular entrance layout, the footpath, and the box junction to the public road. These works shall be completed prior to the first occupation of the proposed development at the developer's expense.

Reason: In the interests of pedestrian, cyclist, and vehicular safety and the proper planning and sustainable development of the area.

3. Prior to the commencement of any development on site the developer shall demonstrate to the planning authority that the minimum Green Space Factor can be achieved on site or, if this can not be achieved, the developer shall engage with the planning authority to determine an alternative green infrastructure solution. No development shall commence on site until the written agreement of the planning authority is received in relation to this condition.

Reason: To comply with GI5 Objective 4 of the South Dublin County Development Plan 2022-2028 and in the interests of the proper planning and sustainable development of the area.

4. (a) Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

(b) Obscure glazing shall be provided to the south balcony elevation to proposed apartment no. 17.

Reason: In the interests of visual and residential amenity.

5. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority

prior to commencement of development. Thereafter, all 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, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interests of amenity and public safety.

8. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) The developer shall provide a report for the written approval of the planning authority, prior to the commencement of development, demonstrating how the proposed sustainable urban drainage systems (SuDS) measures function as part of an overall management train.

(c) The developer shall provide a report for the written approval of the planning authority, prior to the commencement of development, demonstrating how the above ground natural SuDS comply with the four pillars of SuDS: amenity, biodiversity, water treatment, and attenuation.

(d) The developer shall agree the final design of the attenuation system with the planning authority prior to the commencement of any development on site.

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

9. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose.

(b) A Parking Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with the planning authority, prior to the occupation of the development.

(c) A minimum of 10% of the car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date.

(d) Revised plans for cycle parking shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The bicycle parking quantity shall be provided as per the bicycle parking standards of the South Dublin County Development Plan 2022-2028 and shall comply with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024. Resident cycle parking spaces shall be secure, conveniently located, sheltered, and well lit. Key/fob access shall be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within the resident cycle parking areas shall be provided. All cycle parking shall be in situ prior to the occupation of the development.

Reason: To ensure that adequate car and bicycle parking facilities are available to serve the proposed development.

11. (a) The site shall be landscaped in accordance with the scheme of landscaping submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.
- (b) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of all communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

13. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation, and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity and to ensure the provision of adequate refuse storage.

14. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for Preparation of Resource and Waste Management Plans

for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

15. 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:
 - (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) location of access points to the site for any construction related activity;
 - (c) location of areas for construction site offices and staff facilities;
 - (d) details of site security fencing and hoardings. Hoardings shall include a one square metre area on each frontage detailing site management contact details;
 - (e) details of on-site car parking facilities for site workers during the course of construction;
 - (f) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (g) measures to obviate queuing of construction traffic on the adjoining road network;
 - (h) measures to prevent the spillage or deposit of clay, rubble, or other debris on the road network;

- (i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works;
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;
- (o) a community liaison officer shall be appointed for the duration of the construction works.

Reason: In the interests of amenities, public health, and safety.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0900 to 1300 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning & 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 & Development Act, 2000 (as amended), and of the housing strategy in the development plan of the area.

18. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

19. 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 & 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 & 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.

20. The developer shall pay to the planning authority a financial contribution in lieu of the public open space shortfall 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: To comply with the provisions of section 8.7.4 (Delivery of Public Open Space and Contributions in Lieu) of the South Dublin County Development Plan 2022-2028.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Anthony Kelly

Planning Inspector

5th November 2024