



An
Bord
Pleanála

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

Inspector's Report

ABP-306075-19

Strategic Housing Development

Construction of 331 no. apartments,
crèche, 5 no. retail units and
associated site works.

Location

Off Northwood Avenue, Santry, Dublin
9

Planning Authority

Fingal County Council

Applicant

Cosgrave Developments

Prescribed Bodies

Transport Infrastructure Ireland
National Transport Authority
Irish Water
Irish Aviation Authority
Dublin Airport Authority

Commission for Energy Regulation
Dublin County Childcare Committee

Observer(s) 14 submissions received- see
Appendix A

Date of Site Inspection(s) 08th March 2020

Inspector Lorraine Dockery

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the An Bord Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

2.1. The subject site, which has a stated area of 2.119 hectares, is located within the former Santry demesne, circa 0.75km from the M50 junction with the R108, Dublin 9. The site and surrounding lands form part of a mixed use development at Northwood, which includes for Gulliver's Retail Park and a new residential development called Bridgefield. The site is contiguous with the car park associated with Gulliver's Retail Park and is currently set out as part carpark and part greenfield lands.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the construction of 331 apartments in four blocks, crèche, 5 no. retail units and associated site works. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	2.119 hectares
No. of residential units	331 apartments
Other Uses	Childcare Facility (224m ²) 5 x retail units (939m ²) Concierge, Multi-Function Area, Gym (354.5m ²)
Density	156 units/ha
Height	8 storeys
Part V	33 units- all two-bed units located within Block C
Public Open Space	4672m ²

Parking	338 car parking spaces- 334 spaces(basement); 4 spaces (surface) 697 bicycle parking spaces- 670 spaces (basement); 70 spaces (surface)
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Table 2: Unit Mix

	Studio	1 bed	2 bed	3 bed	Total
Apartments	6	292	33	-	331
As % of total	2%	88%	10%	0%	100%

- 3.2. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water connections was submitted with the application, as required. It states that subject a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated. A Statement of Design Acceptance from IW was also submitted with the application.
- 3.3. A Screening Report for Appropriate Assessment was submitted with the application.
- 3.4. An EIAR was submitted with the application.

4.0 Planning History

Subject Site

F04A/1562 (parent permission extended to 2020)

Permission GRANTED for a large mixed use development on a site of 19.8ha and completed development in the vicinity includes Gulliver's Retail Park, 4 no business units in the Swift Square Office Park and the Local Centre. The subject site was granted permission for commercial development.

Alterations to this parent permission, relevant to the proposed development, have been granted in the vicinity as stated below, although the subject site has not been included in any modifications.

Adjacent Sites:

The planning authority in their Chief Executive Report gives a detailed history for the immediate locality and I refer the Board to same. Of note:

F15A/0440

Permission granted for alterations to previous permission for 374 residential units.

F18A/0421

Permission granted on a site to the south for a mixed use development including 99 no. apartments.

F18A/0438

Permission granted to the south of the site for a mixed use development comprising of office development and 99 no apartments.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 02nd September 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála. The prospective applicant was advised that the following specific information was required with any application for permission:

1. A detailed landscaping plan integrating any relevant recommendations from Arborist Report, the surface water requirements and compliance with the

appropriate provision of play facilities for all areas and delineation of all public, semi-private and private spaces and any areas which may be taken in charge in the future *inter alia* the public open space along the east of the site.

2. Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls and a building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
3. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing and overbearing. The report shall include full and complete drawings illustrating daylight and sunlight analysis for existing and proposed apartments and all open space areas.
4. Details of all areas designated for waste for both residential and commercial and the compliance with the minimum areas and recycling facilities in accordance with section 4.8 and 4.9 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
5. A detailed schedule of accommodation which indicates consistency with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) including a report which addresses the use of the residential support facilities.
6. A detailed report providing a rationale for the provision of an appropriate unit mix which provides consistency with the standards in the development and/ or the relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) whichever is justified as necessary.
7. Submission of a car parking strategy including justification for the inclusion of proposed car parking numbers, indicating the allocation for designated car parking spaces for retail, commercial and/or residential, illustrating the location of

any car parking spaces outside the red line, if any, and the proposed management of these spaces. The strategy shall also include details of any areas which are applicable for car club facilities and details for electric vehicle charging.

8. Inclusion of a cycling strategy in any traffic impact assessment, detailing the appropriate provision of bicycle parking in line with national and/or local standards and include details of all surface parking ensuring appropriate longevity and shelter.
9. Childcare demand analysis, including but not restricted to the justification for size of the proposed crèche, having regard to the existing childcare facility in the residential development to the north, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.
10. Inclusion of a Social and Community Audit of the schools in the vicinity in particular school going children.
11. A Site Specific Management Plan which includes details on management of the retail units, communal areas, public space, residential amenity and apartments.
12. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016.

6.0 Relevant Planning Policy

National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection

Other policy of note is:

- National Planning Framework
- Regional Spatial & Economic Strategy for the Eastern & Midland regional Assembly

Local Planning Policy

The Fingal County Development Plan 2017-2023 is the operative County Development Plan.

Zoning:

‘Objective ME- Metro Economic Corridor’ which aims to ‘facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor’.

Residential development, mixed use retail and childcare facilities are permitted in principle.

Objective ED90- Prepare and/or implement the following Masterplans during the lifetime of this Plan

- Northwood (See Map Sheet 11, MP 11.E)

Proposed site is located partially within the Dublin Airport Noise Zone C and Dublin Airport Noise Zone D (as per Variation No. 1 to the Fingal County Development Plan 2017, adopted by councillors on 09/12/2019 with immediate effect).

MetroLink Northwood stop is proposed to be located c.400m to the west of the subject site along the R108 Ballymun Road.

A Tree Preservation Order (TPO) applies to the entire of the Santry Demesne lands.

A number of Development Plan objectives specific to Santry have been highlighted in the Chief Executive Report.

7.0 Third Party Submissions

7.1. In total, 14 submissions were received. Of these, one was from a public representative, three from prescribed bodies and all other third party submissions were from Cedarview residents. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

- Impacts on residential amenity- sunlight/overshadowing, privacy, overlooking, noise/disturbance; impacts on enjoyment of property
- Impacts on character of Cedarview
- Height, density and layout; impacts on skyline
- Need for sustainable development
- Inconsistent with zoning objective in terms of quantum of residential development proposed
- Traffic concerns

- Damage to trees/biodiversity concerns; insufficient green space proposed; lack of amenities
- Setting of precedent
- Unit tenure and mix
- Other matters: security barriers; vacancy levels of existing units; hazardous materials, construction dust

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 06th February 2020. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the site and surrounding area, proposal, pre-application consultations, internal reports, planning history, interdepartmental reports, Area Committee Meeting details, policy context and detailed issues. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Water Services Division: No objections raised, subject to conditions

Transportation Planning Section: Generally satisfied, subject to conditions. Shortfall in parking raised as a concern

Parks and Green Infrastructure Division: Conditions attached

Environment and Water Services Department: Conditions attached

Archaeology Section: No objection

Environmental Health, Air and Noise Unit: Acceptable, subject to conditions

Conservation Officer: Report noted re: root protection zones of trees

Community, Culture & Sports Department: Requirement for provision of public art on the site

A detailed and informative report has been received from the planning authority. Pertinent issues raised therein shall be referred to throughout my assessment. The report concludes that that the proposal is consistent with national, regional and local planning policy and subject to conditions, would not seriously injure the residential amenities of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would provide an appropriate mix of units and an acceptable density of development taking account of the proposed site's location. Concerns raised are reflected in amending conditions relating to increase in floor area of childcare facility and associated outdoor play space; improvements to residential amenity, daylight ingress, privacy and improved acoustic protections. The proposed development would, with appropriate amendments by condition, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions attached

The report includes a summary of the views of relevant Elected Members, as expressed at the Balbriggan/Rush-Lusk/Swords Area Committee meeting held on 09/01/2020 and are broadly summarised below:

- Objectives of masterplan and CDP
- Protection of trees

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water:
- Transport Infrastructure Ireland:
- National Transport Authority:
- Irish Aviation Authority:
- Dublin Airport Authority:
- Commission for Energy Regulation:

- Dublin County Childcare Committee:

Three bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues raised are made within the main assessment.

Irish Water:

Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

Irish Aviation Authority:

In the event of permission being granted, the applicant should engage with DAA to ensure that crane operations does not impact on flight procedures. Should be conditioned to contact Authority of intention to commence crane operations within a minimum of 30 days prior notification of their erection.

Transport Infrastructure Ireland

Will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- Proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations should be incorporated as conditions on the permission, if granted. Any additional works required as a result of the Assessment and Road Safety Audits should be funded by the developer

10.0 Assessment

10.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Fingal County Development Plan 2017; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of proposed development
- Design and layout
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters
- Environmental Impact Assessment
- Appropriate Assessment

10.2. Principle of Proposed Development

- 10.2.1. Having regard to the nature and scale of development proposed, namely an application for 331 residential units located on lands for which residential development is permitted in principle under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. I am also of the opinion that the proposal is generally consistent with the County Development Plan's ME- Metro Economic Corridor zoning objective.
- 10.2.2. The site is zoned 'Objective ME- Metro Economic Corridor' which aims to 'facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of

residential development within the Metro Economic Corridor'. Residential development, mixed use retail and childcare facilities are permitted in principle.

10.2.3. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport in an emerging serviced area. The proposal serves to widen the housing mix within the general area; would improve the extent to which it meets the various housing needs of the community and would provide additional commercial facilities that would be of benefit to the wider area. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

10.3. Design and Layout

- 10.3.1. The proposal involves the construction of 331 residential apartments in four no. blocks, formed around a central courtyard area, at Northwood, Dublin 9. The proposed five commercial units and childcare facility have frontage onto the carpark of Gulliver's Retail Park. The proposal is eight storeys in height. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. In its current form, it adds little to the streetscape at this location and I am of the opinion that the appropriate re-development of these lands would add significantly to the visual amenity of the area. I consider that the proposed development before me would be a suitable intervention at this location, given its location close to good quality public transport where there is significant existing employment and the potential for more. While the proposed height at a maximum of 8 storeys would be slightly higher than immediately surrounding development, I note the height of the nearby Metro Hotel and other blocks within Ballymun and on balance consider that the height and density proposed to be in keeping with national policy in this regard.
- 10.3.2. National guidance and Development Plan standards have been generally met in relation to issues such as number of dual aspect units, ceiling heights, floor areas and private open space provision.

- 10.3.3. The mix of units at 88% 1 bed and 10% x 2 bed units is considered acceptable, given the existing housing stock in the wider area. This would lead to a good population mix within the scheme. The proposed mix would cater to persons at various stages of the lifecycle, in accordance with the Urban Design Manual.
- 10.3.4. Density as proposed, at approximately 156 units/ha is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines. I also refer the Board to the Urban Development and Building Height Guidelines (2018) which encourage consolidation and densification at appropriate locations. I consider this to be an appropriate location for the density proposed.
- 10.3.5. Public open space is provided by way of an area located to the south and east of the proposed site (incorrectly referred to as being to the west of the proposed site in the submitted Statement of Response). An area of public realm between the existing carpark and the proposed building is proposed to the west of the site. Communal open space is provided by means of a central courtyard area, available to residents of the scheme only. I have concerns regarding the location of the raised vents within the communal courtyard area, given their extent and scale. They would detract significantly from the amenity of the space and I consider that if the Bord is disposed towards a grant of permission, an alternative option should be examined. Private open space is provided to all units, in the form of balconies/terraces. Conditions have been recommended by the PA in relation to the protection of a line of trees, thought to be circa 200 years old, which are located along the eastern side of the site. I would concur with the opinion of the PA that it is important that these trees are not compromised and recommend attaching similarly worded conditions to any grant of permission.
- 10.3.6. If the Bord is disposed towards a grant of permission, I recommend that details pertaining to the landscaping of all areas of public/communal open space be agreed with the planning authority, prior to the commencement of any works on site. A revised taking in charge should also be submitted given the comments of the PA in this regard, relating to areas they will/will not take in charge. I am generally satisfied with the information before me with regards to the issue of landscaping, with the exception of the venting. A high degree of passive surveillance is noted. The removal of the proposed entrance gates will improve permeability and the matter could be adequately dealt with by means of condition.

10.3.7. Materials and finishes proposed would integrate with the finishes on the existing permitted development in the wider area. The elevational treatment, while acceptable, is quite generic in nature. I note that feature elements of the proposal are indicated as being in either stone/self-coloured render. I have concerns with regards self-coloured render and how it is to weather into the future in the Irish climate, in particular at ground floor level to commercial units. I consider that a condition should be attached to any grant of permission stipulating that the feature elements be comprised of stone cladding not a render finish. Exact details relating to same should be dealt by means of condition, if the Bord is disposed towards a grant of permission.

10.3.8. A childcare facility, with a stated capacity for 40 children and a stated floor area of 224 square metres is proposed within Block C. The scheme has a requirement for a childcare facility of 62 children. It is the opinion of the PA, based on their calculations that the capacity of the childcare facility and its associated play area should be increased to cater for a minimum of 80 childcare places. A strong argument has been put forward by the PA in this regard, which includes details of facilities that have been closed in recent times by Tusla and have highlighted that there is a deficiency in places in the general area. This matter could be adequately dealt with by means of condition, if the Bord is disposed towards a grant of permission. It is my opinion that in the interests of fairness, a facility to cater for 62 children, should be the figure conditioned, in accordance with guidance. The increase in size of the childcare facility will result in the reduction in the number of apartments by two no.

10.3.9. In relation to Part V, it is noted that 33 units are proposed. The planning authority have not raised issue in this regard and I am satisfied with same.

10.3.10. Having regard to all of the above, I consider that the design, height, layout, density and unit mix to be acceptable in this instance and the proposal would be an appropriate intervention at this location.

10.4. Impacts on Amenity

10.4.1. The application is accompanied by a Landscape and Arboricultural Reports, together with verified CGIs and photomontages. The information contained therein is considered acceptable.

- 10.4.2. The issues of impacts on amenity has been raised in many of the submissions received. Concerns have been raised, *inter alia*, in relation to overlooking, overshadowing, loss of light, enjoyment of property and impacts on privacy. I have examined all the documentation before me and it is acknowledged that the proposal will result in a change in outlook for some of the local residents, as the site changes from an undeveloped piece of land to a site accommodating development of the nature and scale proposed. Given the location of the site, I do not consider this change to be a negative. This is an undeveloped piece of serviceable land, where development of the nature proposed is permitted in principle. As has been previously stated, the development site is located in close proximity to public transport links and where pedestrian and cycle connectivity is good. The proposal will offer a benefit to the wider community by virtue of its public open space provision and increased commercial provision, and improved connectivity through to adjoining lands. The redevelopment of the lands will improve the streetscape at this location and provide for a strong urban edge.
- 10.4.3. Having regard to the orientation of the site, the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity. I note the location of the residential properties directly north and east of the subject site and draw the attention of the Bord to the fact that the bulk of submissions received were from residents of this development. Given the orientation of the site, together the design and layout of the proposed scheme and the fact that a line of mature trees separates the subject site from the properties to the east, I consider that overlooking, overshadowing or loss of light to adjoining properties would not be excessive in this instance and would not be so great as to warrant a refusal of permission. A Daylight and Sunlight Assessment has been submitted and I am generally satisfied with the results and conclusions outlined therein. I consider that impacts on privacy would not be so great as to warrant a refusal of permission. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity. This is an urban location and some degree of overlooking/overshadowing/loss of light is to be anticipated at such locations.
- 10.4.4. There may be some noise disruption during the course of construction works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the

proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

10.4.5. The level of amenity being afforded to future occupants is considered good.

Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. The outlook of some of the single aspect units, overlooking the car park of Gulliver's Retail Park is not ideal. As stated above, a Daylight and Sunlight Assessment was submitted with the application and it contains a scientific and robust analysis, with which I am satisfied. It is noted that a small number of apartments fall below the BRE guidelines for daylight but this is based on a worst case scenario. I note the design measures proposed to try and address this issue. Whether this is grounds for refusal is a matter for the Bord to decide, but I consider that given the urban location of this serviced site and given national guidance in relation to densification at such locations, this shortfall is acceptable in this instance.

10.4.6. As stated above, Development Plan standards have been generally met in relation to issues such as number of dual aspect units, ceiling heights, floor areas and private open space provision. Residential amenity space in excess of 300 square metres is proposed within Block A. I am satisfied that the proposal would be an attractive place to live for any future occupants.

10.4.7. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

10.5. **Traffic and Transportation**

10.5.1. I note that many of the submissions received raise concerns in relation to traffic and transportation issues. I note the PA has raised some issues in relation to parking layout, aisle widths and requirements for cyclists. These matters could be

adequately dealt with by means of condition. The PA has also raised issue with the level of parking proposed, with a deficit identified. 0.92 spaces/unit is proposed. I am satisfied with the level of car and bicycle parking proposed and I draw the attention of the Bord to the extensive parking areas immediately adjacent to the subject site within Gulliver's Retail Park, which is stated to be within the control of the applicant. I also note the existing and proposed public transport links in the general area.

A Traffic and Transport Assessment was submitted with the application and the information contained therein appears reasonable and robust. Four junctions were examined. It is noted that the junction of the Old Ballymun Road/Northwood Avenue was not assessed, with the reasoning given that this is due to be upgraded. It is the opinion of the PA that, given that this proposed development will directly affect the operation of the junction, the applicant will be required to contribute to its upgrade. It is recommended by the PA that a figure of €79,094.12 be levied from the proposed development. It is stated however that the costs for the junction upgrade could be further diluted between development lands as more developments are permitted. There is scope within the section 48(2)(c) contribution scheme to refund unused monies. Development Contribution Guidelines - Jan 2013 state that a special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution. These provisions are considered to apply in this instance.

10.5.2. It is noted that the junction of Northwood Avenue/Swords Road (R138) has been identified as exceeding capacity in future year scenarios. Currently the junction is operating without significant issues. There are no plans to upgrade this junction. Whether this justifies refusing permission is a matter for the Board to determine, however it is my opinion that the proposed development would provide a substantial amount of residential accommodation at an accessible location at a density and height that is in keeping with national policy. I am of the opinion that a certain degree of traffic congestion is anticipated at such urban locations. The proximity of the

proposed Metrolink stop within 400 metres of the site, will provide alternatives for transportation into the future.

10.5.3. Given the location of the site within an urban area on zoned lands, I do not have undue concerns in relation to traffic or transportation issues. I acknowledge that there will be some increased traffic as a result of the proposed development, however there is a good road infrastructure in the vicinity of the site with good cycle/pedestrian facilities. Public transport is available in close proximity and it is anticipated that this will be improved upon in the coming times. The reports of both the planning authority and the TII are noted in this regard. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

10.6. **Drainage**

- 10.6.1. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required, as has a Statement of Design Acceptance. The Pre-Connection Enquiry states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. The subsequent Statement of Design Acceptance states that based on the information provided, Irish Water has no objections to the proposal.
- 10.6.2. A Water Services Report and Flood Risk Assessment were submitted with the application. The information contained within these documents appears reasonable and robust. A report was received from Irish Water, at application stage, which raises no objections to the proposal. The report of the Engineering Departments of the planning authority, as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions.
- 10.6.3. I note that this is a serviced, appropriately zoned site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that the matter of drainage and flooding can be adequately dealt with by means of

condition and I have no information before me to believe that the proposal if permitted would be prejudicial to public health.

10.7. Other Matters

- 10.7.1. Matters relating to waste disposal should be dealt with by means of condition, if the Board is disposed towards a grant of permission. I note that a Waste Management Plan was submitted with the application.
- 10.7.2. I note the location of the subject site relative to Dublin airport and its associated flight paths. A report has been received at application stage from the Irish Aviation Authority and its contents noted. If the Board is disposed towards a grant of permission, I recommend that a condition be attached in this regard.

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

- 11.1.1. This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 11.1.2. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.
- 11.1.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:
- 500 dwellings
 - an area of 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.

11.1.4. The development proposes 331 residential units and has a stated area of approximately 2.1 hectares, located within the built-up area. It therefore below the above thresholds and does not require mandatory EIA. However, section 1.2 of the EIAR provides the applicant's rationale for a sub-threshold EIA with regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), due to its size and scale and potential cumulative impacts from previously permitted development (also under construction by the applicant) of 374 no. residential units on a 7 hectares site in the immediate vicinity. I would concur with this assessment. As per article 102 of the 2001 Regulations, a planning application for sub-threshold development accompanied by an EIAR shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act of 2000.

11.1.5. The EIAR contains three volumes, which includes for a Non-Technical Summary. Chapters 1-5 inclusive set out an introduction to the development, policy context, background to proposed development, methodology used, description of the proposed development.

11.1.6. The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Biodiversity
- Land, Soil and Hydrogeology
- Water and Hydrology
- Air Quality and Climate
- Noise and Vibration
- Cultural Heritage
- Landscape and Visual
- Material Assets: Traffic and Transport
- Material Assets: Built Services
- Population and Human Health
- Cumulative Effects and Environmental Interactions

11.1.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and

describes the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

11.1.8. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and observers has been set out above.

11.1.9. This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed above.

11.2. Alternatives

11.2.1. Article 5(1)(d) of the 2014 EIA Directive requires the following:

“a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”

11.2.2. Section 3 of the submitted EIAR deals with alternatives and sets out alternative locations, layouts and designs considered. It is considered that the issue of alternatives has been adequately addressed in the application documentation.

11.3. Assessment of Likely Significant Direct and Indirect Effects

Biodiversity

Section 6 of the EIAR refers to biodiversity. Site surveys were undertaken on 8th February 2019, May 20th 2019 and June 10th 2019. The lands are not located within any designated Natura 2000 sites but are hydrologically connected to European sites in Dublin Bay via the Santry River. This river is located approximately 170 metres north of the development site. There is a drainage ditch present within the hedgerow to the east of the site. No notable or protected flora species occur within the subject lands. Santry Demesne pNHA is located c. 150m north of the proposed development site and is comprised of woodland habitat. Hedgerows, dry meadows and grassy verges are considered to be of local importance. In terms of protected fauna, the hedgerow along the eastern boundary of the lands has 2 no. trees with potential roosting features for bats and may be suitable for commuting and foraging bats,

although existing light spill reduces the suitability of the subject lands for bats. One species of bat- Leisler's bat was recorded within the subject lands. No signs of other protected mammals were found within the lands. The lands were found to contain a range of breeding bird species, predominantly within and adjacent to the hedgerow onsite. Bird activity was also noted.

Potential impacts have been identified and potential cumulative impacts have been considered. New planting will be incorporated into the landscape design. Mitigation measures and good site management practices have been outlined.

I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

Land, Soils and Hydrogeology

Section 7 of the EIAR deals with land, soils and hydrogeology. The Santry River flows in an easterly direction to the north of the proposed development site. Site investigations undertaken 2019 show that the site is underlain by Dublin Boulder clay, greater than 8 metres in depth. The underlying bedrock is the Lucan Formation comprising a dark shaley limestone known as Calp. The overall GSI aquifer classification is locally important aquifer moderately productive only in local zones and groundwater mapping. GSI groundwater mapping indicates that the vulnerability is classified as being "low". Site development works will involve stripping the soil to a depth of approximately 4 metres below ground level. No dewatering will be required. The design of the proposed development does not facilitate the beneficial re-use of suitable excavated material on site and the excavated material will constitute waste and will be recovered and/or disposed off-site at appropriately authorised waste facilities. Consideration will be given to removal of soil off site for re-use as a by-product. Potential impacts have been outlined, together with mitigation measures. No cumulative impacts are predicted while residual impacts will be neutral.

I have considered all of the written submissions made in relation to land, soils and hydrogeology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land, soils and hydrogeology.

Water and Hydrology

Section 8 of the submitted EIAR deals with water and hydrology. The site is within the upper catchment of the Santry River, discharging to Dublin Bay at North Bull Island.

A Site Specific Flood Risk Assessment has been undertaken, which states that the site lies within Flood Zone C where the probability of flooding from rivers and the sea is low. All wastewater will be directed to the public sewer. The water supply to the proposed development will from the public mains. The proposal includes for SuDS measures and a green roof system is proposed.

Potential cumulative impacts have been assessed and none are predicted. Mitigation measures are proposed.

I have considered all of the written submissions made in relation to water and hydrology. I note the reports of both Irish Water and the Planning Authority in this regard. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water and hydrology.

Air Quality and Climate

Section 9 of the submitted EIAR deals with air quality and climate. The existing ambient air quality in the vicinity of the site has been characterised with information obtained from a number of sources. Baseline data for the existing air quality environment, together with data available from similar environments indicates that

levels of nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns and less than 2.5 microns and benzene are generally well below the national and European Union ambient air quality standards. The greatest potential impact on air quality during the construction phase is from construction dust emissions. In order to minimise dust emissions during construction, a series of mitigation measures have been prepared in the form of a Dust Minimisation Plan. When the dust minimisation measures set out in the Plan are implemented, air quality impacts during construction phase will not be significant. The impact of the proposed development on ambient air quality and climate is predicted to be long-term and imperceptible. Potential cumulative impacts have been examined. No additional mitigation measures for construction and operational phases are required.

I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

Noise and Vibration

Section 10 of the submitted EIAR deals with noise and vibration. Baseline noise monitoring and an environmental noise survey were undertaken across the development area to determine the range of noise levels at varying locations across the site. Prevailing noise levels in the locality are typical of a suburban area. The closest neighbouring noise sensitive receptors to the proposed development are residential properties to the east of the site, which are located approximately 60m from the potential construction works. There is potential for generation of elevated noise levels during construction phases, due to the nature of the works (negative, moderate and short-term). Mitigation measures have been outlined. Cumulative impacts are expected not to be significant. Once operational, the predicted change to noise levels associated with additional traffic is predicted to be imperceptible and well within adopted day and night-time limits.

I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

Cultural Heritage

Section 11 of the submitted EIAR deals with Cultural Heritage. There are no previously identified archaeological monuments/features located within, or in the immediate environs of, the subject development lands, with the nearest being approximately 700m to the east-southeast (CH-1; Santry Court / Santry House; SMR Ref: DU014-030). No features of archaeological potential were noted by cartographic and aerial photographic research and no surface features/traces of archaeological potential were noted by the surface reconnaissance survey. There are no structures listed in the Record of Protected Structures (RPS) of the Fingal Development Plan 2017 – 2023 as being located within, or in the immediate environs of, the subject proposed development lands. The nearest are located a minimum of 500m from the development site. Mitigation measures have been proposed. Cumulative impacts are not anticipated and no impacts have been identified during operational phase.

I have considered all of the written submissions made in relation to Cultural Heritage. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on Cultural Heritage are likely to arise.

Landscape and Visual

Section 12 of the submitted EIAR deals with Landscape and Visual.

Photomontages, together with a Visual Impact Assessment were submitted in this regard. It is noted that the receiving environment is not inherently sensitive to the proposed change, with the large trees along the eastern boundary being the dominant element in the landscape character. I would concur with this. During construction, the site and immediate environs would be disturbed, primarily in the form of setting up hoarding, earth works and building process required to construct

development. Construction effects however will be slight to moderate and negative, but temporary in duration.

The proposed landscape treatment combined with the architectural treatment of the building will reduce the visual mass of the development and mitigate its visual impact. As the new trees mature, the magnitude of the visual impacts will be reduced further. Cumulative impacts have been examined. It is stated that the massing, scale and form of the proposed development would be similar to the scheme under construction directly to the north of the subject lands. Mitigation measures are not proposed, other than standard best practice construction site management.

I have considered all of the written submissions made in relation to Landscape and Visual. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Landscape and Visual.

Material Assets: Traffic and Transport

Section 13 of the submitted EIAR deals with Material Assets: Traffic and Transport. The issue of traffic and transport has also been dealt with in my assessment above. A Site Audit, traffic counts, trip generation/distribution exercise and junction analysis were undertaken. It is stated that all construction activities will be governed by a Construction Traffic Management Plan, to be agreed with the planning authority, prior to commencement of development.

Likely impacts of construction works will be an increase in HGV movements to/from the site. Potential impacts at key junctions have been assessed. Traffic analysis demonstrated that a number of junctions will not operate efficiently in either the “without” and “with” the development scenarios. Any future traffic growth, irrespective of the subject development, will therefore result in an impact to the operation of the junction. However, the proposed development will have an insignificant impact on the junctions. Cumulative impacts were also assessed. Mitigation measures have been proposed. Residual impacts will be mitigated with the improvements of the public transport network and cycling infrastructure throughout Dublin.

I have considered all of the written submissions made in relation to Material Assets: Traffic and Transport. Further assessment has been undertaken by me within the main body of the report, see above. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Material Assets: Traffic and Transport.

Material Assets: Built Services

Section 14 of the submitted EIAR deals with Material Assets: Built Services. I have undertaken an assessment of drainage in the main assessment above. A double ESB sub station is proposed. The proposed development will have a district heating scheme and therefore gas will only be required into the basement (naturally ventilated).

Some local impacts have been identified during the construction phase of development. Mitigation measures have been proposed for the water supply network, otherwise no specific mitigation measures are proposed. A CEMP will be prepared. Irish Water confirm that there is adequate capacity in their water supply network and wastewater systems to accommodate the proposed development. Consequently, there are no cumulative impacts predicted. No residual impacts are anticipated.

I have considered all of the written submissions made in relation to Material Assets: Built Services. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Material Assets: Built Services.

Population and Human Health

Section 15 of the EIAR is entitled population and human health. The site is located in the former Santry Demesne, circa 6.5km north of the city centre. The southern portion of the site comprises of a greenfield area while the northern portion

comprises a temporary surface car park for construction workers. The Census of 2016 indicates that the Airport Electoral Division (in which the site is located) had a population of 5018 persons.

It is concluded that the proposed development will have long-term, beneficial impacts for local businesses, and the wider economy through the provision of acutely required additional housing in an area well served by public transport. The proposed development will bring a new population to the area, which will support existing schools, shops, public transport and the local community. It is considered that the effects on population and human health will be moderate, positive and long term. Mitigation measures have been outlined that will ensure no significant negative impacts/effects on human health or population.

I have considered all of the written submissions made in relation to population and human health. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

Interactions

Section 16 of the submitted EIAR provides a summary of principal interactions, cumulative effects and inter-relationships, which have been discussed in the preceding chapters.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

11.3.1. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in

the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Biodiversity impacts mitigated by lighting sensitivity; additional planting/landscaping and appropriate work practices
- Land, Soils and Hydrogeology impacts mitigated by construction management measures including management and maintenance of plant and machinery; dust suppression measures.
- Water and Hydrology impacts to be mitigated by management of surface water run-off during construction; SuDS measures and green roofs.
- Air Quality and Climate impacts mitigated by dust minimisation plan
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.
- Cultural Heritage impacts mitigated by archaeological monitoring of ground disturbance works
- Landscape and Visual impacts mitigated appropriate best practice construction site management and by proposed landscaping.
- Material Assets: Traffic and Transport impacts mitigated by the management of construction traffic; Construction and Environmental Management Plans
- Population and Human Health impacts mitigated by appropriate construction and operational management plans

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The assessments provided in the individual EIAR chapters are considered satisfactory. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

11.4. Appropriate Assessment

11.4.1. An Appropriate Assessment, Stage 1 Screening Report was submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

11.4.2. The proposed development is located approximately 170m south of the Santry River which discharges to Dublin Bay c. 7.4km downstream. The following designated sites are located within Dublin Bay.

Site Name and Code
South Dublin Bay SAC (000210)
North Dublin Bay SAC (000206)
South Dublin Bay and River Tolka Estuary SPA (004024)
North Bull Island SPA (004006)

11.4.3. The following designated sites are considered to be located within the zone of influence of the proposed development.

Site Name and Code	Distance from Development Site
Howth Head SAC (000202)	12km E
Baldoyle Bay SAC (000199)	7.7km E
Rockabill to Dalkey Island SAC (003000)	12km E
Malahide Estuary SAC (000205)	7.5km N
Ireland's Eye SAC (002193)	12.5km E
Rogerstown Estuary SAC (000208)	11.2km NE
South Dublin Bay SAC (000210)	8.1km SE
North Dublin Bay SAC (000206)	7km SE

Ireland's Eye SPA (004117)	12.2km E
Howth Head Coast SPA (004113)	13.7km E
South Dublin Bay and River Tolka Estuary SPA (004024)	8.3km SE
Baldoyle Bay SPA (004016)	8.4km E
Malahide Estuary SPA (004025)	7.8km NE
Rogerstown Estuary SPA (004015)	12.3km NE
North Bull Island SPA (004006)	5.4km SE

11.4.4. Qualifying Interests/Features of Interest have been outlined within Appendix 1 of the Stage 1 Screening Assessment.

11.4.5. The Screening Report may be summarised as follows:

- The proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts.
- The proposed development site does not support any populations of any fauna species linked with QI/SCI populations of any European site(s). As the proposed development will not result in habitat loss or habitat fragmentation within any European site, there is no potential for any in combination effects to occur in that regard.
- Surface water run-off and discharges from the proposed development will drain to the existing local surface water drainage network and will ultimately discharge into Dublin Bay. Foul waters from the proposed development will be discharged to Ringsend WWTP for treatment, via the existing foul water drainage network, prior to discharge into the Liffey Estuary/Dublin Bay. Therefore, the Zone of Influence (Zol) of potential effects on water quality from the proposed development could extend to Dublin Bay.
- The proposed development will not have any measurable effects on water quality in Dublin Bay or the Irish Sea due to the scale and location of the proposed development relative to the receiving surface water network; the relatively low volume of any surface water run-off or discharge events relative

to the receiving surface water and marine environments; and the level of mixing, dilution and dispersion of any surface water run-off/discharges in the receiving watercourses, Dublin Bay and the Irish Sea.

- The most recent information from Irish Water indicates that the Ringsend plant is operating above its capacity and an increase its treatment capacity is currently in planning.
- Relevant development plans also have protective policies/objectives in place to protect water quality in the receiving freshwater and marine environments, and to implement the Water Framework Directive in achieving good water quality status for Dublin Bay.
- Therefore, there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of foul or surface water run-off or discharges. Considering the above, particularly the current unpolluted status of Dublin Bay, the proposed development will not impact on the overall water quality status of Dublin Bay.
- In addition, there is no possibility of any other plans or projects acting in combination with the proposed development to undermine the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of water quality effects.

11.4.6. The Stage 1 Screening report concludes that it is the professional opinion of the authors of this report that the application for consent for the proposed development does not require an Appropriate Assessment or the preparation of a Natura Impact Statement (NIS).

11.4.7. The site lies within the built-up zone of the city and is predominantly composed of artificial surfaces, while the southern half is comprised of recolonizing bare ground. The proposed development lies outside the boundaries of any Natura 2000 site and therefore there will be no reduction in habitat. There will be no fragmentation/loss or disturbance of any designated site, given the separating distances involved. No records show protected flora species within 2km of the subject lands. Two species for which European sites have been designated were found within 2km of the

proposed development site: Black-headed gull and Cormorant. Given the nature of the site and its environs, only Black-headed gull have potential to be present in the surrounding area. However, this is unlikely to occur within the immediate surrounding area and within the zone of influence of the development due to the built nature of the immediate surroundings.

11.4.8. The only surface water feature identified within the subject lands was an unconnected drainage ditch located within the hedgerow along the eastern boundary of the site. The proposed development site is located within the Santry River sub-basin. There will be no significant impacts on the groundwater due to underlying boulder clay. No non-native invasive species within the lands. In accordance with the Greater Dublin Strategic Drainage Study this project will incorporate sustainable drainage systems (SuDS). A flood risk assessment was undertaken, which shows the site is located within Flood Zone C. Foul effluent from the proposed development will be sent to the wastewater treatment plant at Ringsend, Dublin. It is noted that emissions from the plant are currently not in compliance with the Urban Wastewater Treatment Directive, however Irish Water was granted permission to upgrade the Ringsend plant (April 2019). This will see improved treatment standards and will increase network capacity. Fresh water supply for the development will be via a mains supply.

11.4.9. Therefore, having regard to the scale and nature of the proposed development of 331 apartments, commercial, retail and childcare facility and its location within the built up area of the city on land that served by municipal sewers and that has already been subject to works and largely laid out as hard surface, I am of the opinion that no Appropriate Assessment issues arise. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant

effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.0 Recommendation

- 12.1. In conclusion, I consider the principle of development as proposed to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an emerging area where a wide range of services and facilities exist. In my opinion, the proposal will provide a quality development, with an appropriate mix of residential units and an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of additional commercial uses and a childcare facility will improve services and facilities for the wider population of the area. The provision of the public open spaces will enhance the amenity of the area for both existing and future occupiers.
- 12.2. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.
- 12.3. I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

13.0 Reasons and Considerations

Having regard to the following:

- (a) the site's location close to Dublin city centre, within an emerging built-up area on lands with zoning 'Objective ME- Metro Economic Corridor' which aims to 'facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor' in the Fingal County Development Plan 2017-2023
- (b) the policies set out in the Fingal County Development Plan 2017,

- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area, and
- (m) the report of the Inspector and the submissions and observations received,

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

and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (i) An increase in the area of the proposed childcare facility, including outdoor play provision, to accommodate a minimum of 62 childcare places. This shall be achieved by internal modification and omission of two Block C ground floor apartment units (Units C2/2 and C2/1) as shown in Drwg PL06
 - (ii) All ground floor courtyard courtyard facing windows shall be increased to a minimum floor-to-ceiling height of 2.7 metres
 - (iii) Details of privacy screens and buffer strips, which shall be provided between balconies at ground floor levels and above
 - (iv) Details of changing/toilet facilities to be provided in close proximity to the ancillary residential facilities/services on the ground floor of Block A
 - (v) Details of proposed vents, flues and rainwater goods within the central courtyard area. The proposed vents shall be redesigned so as to be less visually prominent with other forms of venting examined; shall be located in a less visually prominent location and/or shall be redesigned through the use of creative solutions
 - (vi) The omission of any gates, security barrier or security hut from the entrance to the proposed development

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development.

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability

3. The number of residential units permitted by this grant of permission is 329 no. units

Reason: In the interests of clarity

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

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

Reason: In the interest of public health.

6. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the [development] [retail centre] [office park]. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

7. Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

8. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interests of protecting the environment and public health

9. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

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

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

10. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

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

Reason: In the interest of residential and visual amenity

12. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. No render shall be utilised at ground floor level.

Reason: In the interest of visual amenity.

13. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external

plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

14. Prior to the first occupation of the development, the developer provide a piece of public art, sculpture or architectural feature, designed and located in consultation with the planning authority. This piece shall have a relationship to the local area.

Reason: To comply with Development Plan objectives and in the interest of visual amenity

15. All retail units shall be restricted to that identified in Class 1, part 4 of the Exempted Development Regulations 2001 and no other use shall take place without a prior grant of permission by the Planning Authority or An Bord Pleanála on appeal. In particular, the proposed units shall not be used for:-

- A) fried fish shop or a shop for the sale of hot food for consumption off the premises
- B) A shop for the sale of pet animals or birds;
- C) A shop for the sale or display for sale of motor vehicles other than bicycles

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

16. No music or other amplified sound shall be broadcast externally from any commercial units or resident's gym/multi-functional area

Reason: In the interests of residential amenity

17. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to-occupation of the commercial/retail units.

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

18.No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

19.Proposals for a development name, office/commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

20.Site development and building works shall be carried only out between the hours of 07.00 to 19.00 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

21.Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

22. 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.

23. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
(b) All windows and roof lights shall be double-glazed and tightly fitting.
(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes. Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity.

24. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site

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

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

26. 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.

This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

27. The construction of the development shall be managed in accordance with a

Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

28. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the Irish Aviation Authority in relation to this development.

Reason: In the interest of safety.

29. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s), as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees or hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

31. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority

in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

33. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the upgrading of the Northwood/Old Ballymun Road/R108 junction. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the ***Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 04th day of December 2019 by Cosgrave Developments care of RPS Planning & Environment, Co. Dublin.

Proposed Development:

Permission for a strategic housing development on lands off Northwood Avenue, Santry, Dublin 9.

The proposed development will consist of:

The construction of 4 no. 8-storey apartment blocks arranged around a communal courtyard all over a shared basement. The apartment blocks will accommodate 331 no. apartment units with associated ground floor terraces and upper floor balconies providing 6 no. one bedroom units, 292 no. two bedroom units and 33 no. three bedroom units. The development will also include: residential shared services consisting of a multi-function area (c.133sq.m), a gym (c.140sq.m) and concierge area; a childcare facility (c.224sq.m) and 5 no. ground floor mixed use units capable of accommodating class 1, 2, 8, café and restaurant uses with an overall total area of c. 939sq.m; ancillary car parking comprising 331 no. resident spaces and 3 no. disabled spaces at basement level; 3 no. car club spaces and 1 no. disabled space at surface level; ancillary bicycle storage spaces comprising 690 no. spaces at basement level and 70 no. spaces at surface level; all associated plant; refuse storage areas; communal open space; public open space; a substation; green route connection across car park associated with Gulliver's Retail Park and Local Centre with existing pedestrian and cycle paths on Northwood Avenue; associated drainage arrangements; utility connections, landscaping; public lighting; and; all site development works.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal Development Plan 2017-2023. An Environmental Impact Assessment Report has been prepared in respect of the proposed development and accompanies this application.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the site's location close to Dublin city centre, within an emerging built-up area on lands with zoning 'Objective ME- Metro Economic Corridor' which aims to 'facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor' in the Fingal County Development Plan 2017-2023
- (b) the policies set out in the Fingal County Development Plan 2017,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013

- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area, and
- (m) the report of the Inspector and the submissions and observations received,

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

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites,

taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Screening Report for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;
- (c) The submissions from the planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Biodiversity impacts mitigated by lighting sensitivity; additional planting/landscaping and appropriate work practices
- Land, Soils and Hydrogeology impacts mitigated by construction management measures including management and maintenance of plant and machinery; dust suppression measures.
- Water and Hydrology impacts to be mitigated by management of surface water run-off during construction; SuDS measures and green roofs.
- Air Quality and Climate impacts mitigated by dust minimisation plan
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.
- Cultural Heritage impacts mitigated by archaeological monitoring of ground disturbance works
- Landscape and Visual impacts mitigated appropriate best practice construction site management and by proposed landscaping.
- Material Assets: Traffic and Transport impacts mitigated by the management of construction traffic; Construction and Environmental Management Plans
- Population and Human Health impacts mitigated by appropriate construction and operational management plans

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development

and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (vii) An increase in the area of the proposed childcare facility, including outdoor play provision, to accommodate a minimum of 62 childcare places. This shall be achieved by internal modification and omission of two Block C ground floor apartment units (Units C2/2 and C2/1) as shown in Drwg PL06
 - (viii) All ground floor courtyard courtyard facing windows shall be increased to a minimum floor-to-ceiling height of 2.7 metres
 - (ix) Details of privacy screens and buffer strips, which shall be provided between balconies at ground floor levels and above
 - (x) Details of changing/toilet facilities to be provided in close proximity to the ancillary residential facilities/services on the ground floor of Block A
 - (xi) Details of proposed vents, flues and rainwater goods within the central courtyard area. The proposed vents shall be redesigned so as to be less visually prominent with other forms of venting examined; shall be located in a less visually prominent location and/or shall be redesigned through the use of creative solutions
 - (xii) The omission of any gates, security barrier or security hut from the entrance to the proposed development

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development.

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability

3. The number of residential units permitted by this grant of permission is 329 no. units

Reason: In the interests of clarity

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

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

Reason: In the interest of public health.

6. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the [development] [retail centre] [office park]. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

7. Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

8. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interests of protecting the environment and public health

9. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

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

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

10. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

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

Reason: In the interest of residential and visual amenity

12. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. No render shall be utilised at ground floor level.

Reason: In the interest of visual amenity.

13. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external

plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

14. Prior to the first occupation of the development, the developer provide a piece of public art, sculpture or architectural feature, designed and located in consultation with the planning authority. This piece shall have a relationship to the local area.

Reason: To comply with Development Plan objectives and in the interest of visual amenity

15. All retail units shall be restricted to that identified in Class 1, part 4 of the Exempted Development Regulations 2001 and no other use shall take place without a prior grant of permission by the Planning Authority or An Bord Pleanála on appeal. In particular, the proposed units shall not be used for:-

D) fried fish shop or a shop for the sale of hot food for consumption off the premises

E) A shop for the sale of pet animals or birds;

F) A shop for the sale or display for sale of motor vehicles other than bicycles

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

16. No music or other amplified sound shall be broadcast externally from any commercial units or resident's gym/multi-functional area

Reason: In the interests of residential amenity

17. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to-occupation of the commercial/retail units.

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

18.No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

19.Proposals for a development name, office/commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

20.Site development and building works shall be carried only out between the hours of 07.00 to 19.00 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

21.Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

22. 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.

23. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
(d) All windows and roof lights shall be double-glazed and tightly fitting.
(e) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.
Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity.

24. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (d) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (e) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and
- (f) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site

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

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

26. 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.

This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

27. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

28. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the Irish Aviation Authority in relation to this development.

Reason: In the interest of safety.

29. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s), as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees or hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

31. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The

contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

33. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the upgrading of the Northwood/Old Ballymun Road/R108 junction. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the ***Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Lorraine Dockery

Senior Planning Inspector

12th March 2020

APPENDIX A:

Angela Lloyd

Byoungmin Noh

Emma and Hugh McGowan

Gerald Fitzgerald

Inland Fisheries Ireland

Irish Water

John Paul Clarke and Deirdre Moroney

Karen and Conor Ruane

Nikki O'Reilly

Roisin Shortall TD

Shane O'Byrne and Filipa Costa

Slobodan Ruznic Sucevic

Traffic Infrastructure Ireland

Irish Aviation Authority