

An  
Bord  
Pleanála

**Board Direction**  
**BD-017878-24**  
**ABP-320106-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/10/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the following:

- a) the location of the site in the established urban neighbourhood area of Dublin City, which is zoned Z3 in the Dublin City Development Plan which seeks 'to provide for and improve neighbourhood facilities' and where residential development is a permitted use.
- b) the policies and objectives of the Dublin City Development Plan 2022-2028 including the criteria set out in Appendix 3 of the Development Plan relating performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale.
- c) Housing for All – A Housing Plan for Ireland (2021)
- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2022)

- f) Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- g) Design Manual for Urban Roads and Streets (DMURS) (2013),
- h) Planning System and Flood Risk Management (including the associated Technical Appendices) (2009),
- i) Climate Action Plan 2024,
- j) The nature, scale and design of the proposed development
- k) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- l) the pattern of existing and permitted development in the area,
- m) the submissions and observations received,
- n) the report of the inspector,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The Board also considered that the higher density proposed at this specific location was acceptable due to

- (a) The evolving and changing character of the immediate area, and given the density of the adjacent permitted and built development at the edge of Santry village, which is more reflective of a City Urban Neighbourhood rather than a Suburban /Urban Extension as designated in the in the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024). Therefore residential densities in the range of 50 to 250 dwellings per hectare (as set out in Table 3.1 of these Guidelines) is considered to be acceptable.
- (b) The existing number of high frequency bus services available, and the site's location contiguous to a planned bus-connects corridor along the Swords Road which will accentuate further high frequency urban bus services and will therefore facilitate higher density development.
- (c) The Board agreed with the inspectors conclusion that proposed development meets the performance criteria in set out in Appendix 3 of the Development

Plan in relation to assessing proposals for increased height density and scale.

- D) The generally high quality design, layout and disposition of scheme, which provides high quality accommodation and amenity for future occupants and does not give rise to any significant amenity issues in terms of overlooking or overshadowing of adjoining developments, together with the fact that the development complies and in many cases comfortably exceeds the standards set out in the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2022).
- E) Precedent decisions in the immediate area that incorporated densities similar to that sought under the current application.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment Screening (AA):**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale, and location of the proposed development adjoining the serviced urban area, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the Appropriate Assessment documentation submitted with the application, the incorporation within the proposal of best-practice standard measures which have not been specifically designed or intended to avoid or reduce any harmful effects of the project on a European Site, the submissions and observations on file, the reports of the planning authority, and the Planning Inspector's report.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in



respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site; North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006), South Dublin Bay and River Tolka Estuary SPA (004024), North-west Irish Sea SPA (004236) or any other European site, in view of the site's Conservation Objectives.

This screening determination is based on the following

- (i) the conservation objectives for the European Sites.
- (ii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iii) the distance from the proposed works

### **Environmental Impact Assessment**

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

- a) The nature, scale, location, and extent of the proposed development;
- b) The Environmental Impact Assessment Report and associated documentation submitted with the application and the appeal response;
- c) The content of the appeals, the reports of the planning authority, and the submissions received from third parties, observers and prescribed bodies; and
- d) The report of the Planning Inspector.

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 is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and 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 is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Board's decision.

#### **Reasoned Conclusions on the Significant Effects:**

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:

- **Population and Human Health** – A positive impact with regard to population and material assets due to the increase in housing stock and facilities that would be made available in the area. Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- **Traffic and Transport** - Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.
- **Biodiversity** - Disruption to birds and bats due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and

by the design of the proposed scheme (including lighting and landscaping) which will retain and protect important habitats, and features. Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.

- **Water** - Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan. Operational stage surface water discharges to groundwater including associated downstream impacts on biodiversity, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- **Air & Climate** – Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.
- **Material Assets** - Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention/protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.
- **Landscape** – There will be changed views from various locations given the change from a largely low-rise commercial site to a high rise primarily residential development. The site is zoned for development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists and is under construction in the immediate and wider area. The potential impact will be positive. Changes to the localised landscape character associated with the development of this site, which will be mitigated by the design and layout of the proposed development.



The Board is, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

**Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Dublin City Development Plan 2022-2028, the proposed development would constitute an acceptable density of development in this serviced urban 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.

**Conditions**

- 1) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18<sup>th</sup> day of April 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2) The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

**Reason:** To protect the environment.

- 3) The proposed development shall be amended as follows:

- a) A creche/childcare facility shall be incorporated at the ground floor of Block C of sufficient size to cater for a minimum of 58 childcare spaces. Details of the

layout and access arrangements to the facility shall be agreed in writing with the Planning Authority prior to the commencement of development.

- b) The three commercial units in Block A shall not be used for the sale of hot food off the premises (that is, as a takeaway) unless authorised by a further grant of permission
- c) Commercial Units in Block A shall be utilised as retail units.
- d) Details of all signage, lighting (if any) of all ground floor units shall be submitted and hours of operation.

Revised drawings and full details showing compliance with these above requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of residential amenity and to provide for an appropriate mix of uses in this neighbourhood centre (Z3 – Zoned) site and provide an adequate standard of residential amenity for future residents of the scheme and improve the amenities of the area.

- 4) Prior to commencement of development, the applicant shall liaise with the Planning Authority in consultation with the National Transport Authority (NTA) to ensure that the proposed development and phasing of works comply with the requirements of the Bus Connects / Core Bus Corridor (CBC) Swords to City Centre with regard the lands required to facilitate the CBC on Swords Road and Santry Avenue.

**Reason:** To ensure a satisfactory standard of development and in the interest of traffic safety.

- 5) The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health.



- 6) Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

- 7) Prior to the commencement of the development and in consultation with the Dublin City Arts Office, the Developer/Applicant shall provide details, for the written agreement of the Planning Authority, indicating the proposed use and future management of the arts/culture/community spaces. The community, arts and cultural space shall be fully accessible to the public. Details regarding intended hours of operation and a schedule for opening the space as part of the overall development shall be submitted for written agreement of the Planning Authority prior to the commencement of Block D. All works to ensure the community, arts and cultural space is operational shall be undertaken at the Developer's own expense.

**Reason:** In the interest of residential amenity and to ensure the timely provision of services

- 8) Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The applicant shall review the choice of materials and their compatibility with the adjoining development to the south at Santry Place, and to reconsider the metal composite cladding to the side elevations of the blocks onto Santry Avenue and the Swords Road, as there is concern that this choice of material with varying colours visually dominates and will date over time, a brick finish is advised

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development..

- 9) Prior to the commencement of development on site the applicant is required to engage with DAA/Dublin Airport and with the Irish Aviation Authority to agree any proposals for crane operations (whether mobile or tower crane).

**Reason:** To maintain safe air navigation.

- 10) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety.

- 11) 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.

- 12) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

- 13) A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils,

groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection.

- 14) Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

- 15) 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and 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.

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

- 16) During the operational phase of the proposed development the noise level shall not exceed

a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and

b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times

as measured at the nearest noise sensitive location

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site



17) Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

18) 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 interest of sustainable transport and safety.

19) Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) 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 and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the [development] [retail centre] [office park].

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

20). (a) 740 no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

21). The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

22). (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs, and the underground car park shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dishd at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

23). (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) A number of parking spaces shall be reserved for persons with physical disabilities which shall not be less than the dimensions set out in the document

Building for Everyone: A Universal Design Approach (The Centre for Excellence in Universal Design CEUD). Details to be agreed with the Planning Authority prior to commencement of work on site.

(c) Prior to the occupation of the development a Car Park Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent reservation of the designated residential parking spaces and shall indicate how these and other space within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units (and the remaining development) and also to prevent inappropriate commuter parking.

24). The landscaping scheme as submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

25). The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record



[archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

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

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

27). Proposals for an apartment name/ numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

28). 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

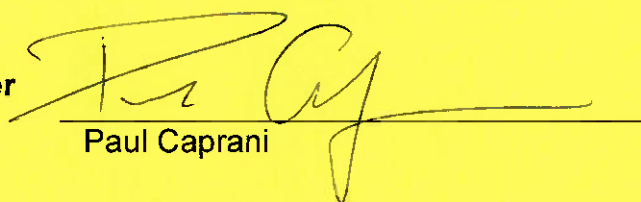
28.) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 that the public road is satisfactorily reinstated, if necessary.

29.) 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.

**Board Member**

  
Paul Caprani

**Date:** 16/10/2024