



An
Bord
Pleanála

Inspector's Report ADDENDUM ABP.300745-18

Development	Permission sought for 45 no. apartments with car parking and cycle parking above and existing Frascati Shopping Centre.
Location	Blackrock, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0950
Applicant(s)	IMRF II Frascati Limited Partnership
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Margaret Foley, William Killeen, George's Avenue Residents Association, Catherine Sampson, Mairead Smith

Observer(s)	Rory & Clare Shelley, Catherine Burke, Brian and Natasha Higgins
Date of Site Inspection	24 th July 2018
Inspector	Kenneth Moloney

**NOTE: This addendum should be
read in conjunction with my original
report on file dated 8th August 2018.**

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1.0 Introduction

- 1.1. The Board requested an EIAR in accordance with Section 132 of the Planning and Development Act, 2000 (as amended).
- 1.2. The applicant's submitted the EIAR on the 25th October 2018.
- 1.3. Following the submission of the EIAR to the Board 3 no. third party submissions were received by the Board. There is a submission on the file from Transport Infrastructure Ireland and the Local Authority.
- 1.4. This supplementary Inspector's Report sets out, in summary, the third-party submissions to the Board. In addition the supplementary Inspector's report includes a Planning Assessment, of issues that have come to light with the submission of the EIAR and the response submissions and finally my report includes an EIA of the submitted EIAR.

2.0 Responses

Transport Infrastructure Ireland and Dun Laoghaire-Rathdown County Council both submitted submissions stating that they had no further comments.

The following is the summary of a submission by **Brian and Natasha Higgins**;

- The EIAR documentation submits that the upgrade of the road will improve pedestrian, cycle and public transport offer. The application is made in piecemeal fashion rather than a holistic approach.
- It is contended that the upgrade of the road is now more complex and less safe.
- The development does not take account of additional pressure placed on public transport or consideration of additional sites within the area which are identified for further development.

- These additional sites include
 - a. Temple Road
 - b. Proby Square (former Europa Garage)
 - c. Deepwell
 - d. the former Tara Towers Hotel,
 - e. Elm Park Campus.
- Traffic is congesting the local roads.
- The proposed building will be out of proportion, overbearing and obtrusive in this residential area.
- The proposal will overlook established residential amenities.

The following is the summary of a submission by **Catherine Sampson**;

- The EIAR does not address the excessive height, scale and mass of the proposed development relative to the Lisalea apartment development and surrounding residential development.
- The proposal will result in the loss of skylight, daylight, sunlight and overshadowing.
- It is argued that, contrary to the EIAR, the proposal will obstruct sunlight and cause overshadowing to Lisalea notwithstanding that the development will be situated north of Lisalea.
- The respondent's apartment is located at ground floor and it is submitted that the proposed development would create a considerable loss of daylight, skyline and sunlight due to height, scale and mass.
- It is contended that the proposed apartments would cause overlooking into the living room and bedroom of the respondent's apartment and other apartments fronting the development.
- The boundary trees are deciduous.

- It submitted that the angle of photomontage does not accurately show the actual visual impact and the increased height, mass, bulk of the proposed development.
- The proposed podium car park will result in motorists and pedestrians looking directly into living rooms and bedrooms directly facing the car park. The proposed perimeter wall and trellis landscaping will not mitigate.
- The EIAR does not assess the impact of the proposal on the roof garden of Lisalea.
- It is submitted that the claims in the EIAR that the existing redevelopment has no impacts is not accurate. Many of the trees and shrubbery around Lisalea have been damaged or deteriorated by dust and construction dirt during the construction of the existing redevelopment.
- There is ongoing flooding and drain blockage in the existing development.

The following is the summary of a submission by **Mairead Smith**;

- The need for the EIAR submission has justified our appeal submission.
- The submitted EIAR has not included the relevant public consultation.
- EIA Directives require robust public participation as such an Oral Hearing is necessary to allow the public to contribute to the EIA process.
- The Planning Authority process failed to engage in the EIA process.
- The EIAR has not undergone consultation with NPWS and Inland Fisheries Ireland.
- There is no Traffic Impact Assessment and the traffic counts date from 2013.

Risk of Breach of Habitats Directive

- The decision of the Planning Authority and An Bord Pleanála included a condition rerouting a culvert of the Priory Stream. This creates a source pathway to South Dublin Bay SAC.

- No NIS was submitted nor was an AA completed by a Competent Authority.
- The decision-making process is flawed and as such the development is in breach of the Habitats Directive.
- The Board has granted permission for a development where a preliminary development is in contravention of the Habitats Directive.
- The submitted EIAR does not address the issue and there is inadequate material before the Board to conduct a proper Appropriate Assessment of the development.
- The EIAR (Chapter 5) does not address the issue that the Priory Stream is a source pathway to the South Dublin SAC.
- Surface water connects to the Priory Stream and discharges directly to South Dublin Bay SAC.
- The EIAR maintains that SUDS will not be used on site. It is considered without the use of SUDS that inferior standards will be used notwithstanding that there is a source pathway to South Dublin Bay SAC.
- Section 8.5.1 of the EIAR considers harmful substances to the Priory Stream. The release of these substances poses significant risk of contaminants entering the South Dublin Bay SAC.
- South Dublin SAC is used as a release valve for surface water flooding.
- Mitigation measures cannot be considered when deciding whether a Appropriate Assessment is required.

Inadequate considerations of alternatives – project splitting

- Reasonable consideration of alternatives cannot be adequately considered post the submission of the planning application.
- The current development is a stage in a process of building out.

The description of the development is misleading

- The description of the proposed height is misleading due to double height floors.

Cumulative Impact

- The EIAR fails to adequately consider cumulative impacts.
- This is evidence from the surface water and breaches of the habitats directive, failure of the visual impact assessment to evaluate significant impacts on surrounding residential properties and the failure of the sunlight and daylight analysis to reference baseline conditions pre-2014.
- The absence of master planning for the overall site amounts to project splitting.

Failure of Master plan led development

- The development is not plan led.

Visual Impact Assessment

- It is contended that the photomontages submitted in the VIA are not represented of the worst-case scenario.
 - Views 2 (looks at the corner of Frascati Park and George's Avenue)
 - View 3 (from George's Avenue)
 - View 9 (from the corner of Frascati Park)
- The submission includes 2 no. photomontages. View no. 1 from the rear garden of a property, no. 4 Frascati Park. The photomontage demonstrates the scale of the proposed development relative to the permitted development. The photomontage also demonstrates the impact of the proposed development without the benefit of the trees.
- Photomontage view no. 2 demonstrates the impact of the proposed development relative to George's Avenue.

Traffic Impact Assessment

- It is submitted that no Traffic Impact Assessment has been submitted with the EIAR and that this is contrary to the directive and guidelines of the EIA.
- The construction compound and the construction workers has not been identified or assessed.

Flood Risk

- No flood risk assessment is submitted.
- The potential for flooding on adjoining properties has not been examined.
- The blocking or removal of existing drainage channels from the surrounding lands has not been examined.
- As the proposal is on top of a shopping centre it generates surface water run off.
- The failure to apply normal SUDs will further cause concerns in relation to flood risk.

3.0 Planning Assessment

Having regard to the submitted EIAR and the third party submissions I would consider that new issues have arisen in the following areas;

- Visual Impact
- Traffic
- Surface Water & Appropriate Assessment issues

3.1. **Visual Impact**

- 3.1.1. The EIAR includes a series of photomontages. These submitted photomontages are almost identical to those photomontages submitted by the applicant as part of the planning application. There is however a small exception as the photomontages submitted with the EIAR include a view 'as existing'. The 'as existing view' shows the construction on the site at a more advanced stage than in the original photomontages.
- 3.1.2. A respondent argues that some of the photomontages do not represent the worse case scenario and this includes views no. 2, view no. 3 and view no. 9. Furthermore the respondent submits 2 no. images one of which is from the rear garden of no. 4 Frascati Park. The purpose of the photomontage is to demonstrate the impact of the proposed development. The second image is from the N31 and this image demonstrates the relationship between the proposed development and the rear of properties on George's Avenue.
- 3.1.3. In relation to the visual impact on no. 4 Frascati Park I would note that this image would demonstrate the most significant impact from the rear garden towards the proposed development without any screening. However the proposed development includes the retention of the established mature trees along the site boundary. These existing mature trees will provide screening when in foliage and will provide a filter screening during the winter months due to their deciduous nature. It is also proposed to provide evergreen planting along this boundary which will further protect any adverse visual impacts. I would consider that the planting, as described above, would mitigate the visual impacts as demonstrated by view no. 2.
- 3.1.4. In terms of the representation of views no. 2, 3, and no. 9 I would consider that these views would form part of the overall visual impact assessment and that the viewing points as indicated in Figure 1 'View Location Map' would be acceptable in terms of assessing the overall visual impact of the proposed development.

3.1.5. Overall I would conclude that the visual impact of the proposed development would be acceptable and would not be seriously injurious to the established visual amenities of the area.

3.2. **Traffic**

3.2.1. I would note the issues raised in the submitted response submission in relation to traffic include the impact that the proposed development, in combination with other residential developments, will have on the local road network. A second issue is that the EIAR contains no new traffic data / survey work.

3.2.2. In my original report I referred to a submitted Traffic and Transport Statement (TTS). The TTS concludes that the proposed development will have little or no material impact on the existing background traffic on Frascati Road (N31). I would consider that the TTS would provide suitable traffic surveys to assess the proposed development.

3.2.3. I would consider having regard to the scale of the proposal, as the proposed development provides for 51 no. car parking spaces for 45 no. apartments, and the proximity of the proposed development to quality public transportation including DART and QBC, that the proposed development would be acceptable in terms of traffic generation.

3.3. **Surface Water & Appropriate Assessment**

3.3.1. The response submissions raised concerns that impacts on surface water would have impacts on the culverted Priory Stream and the potential to impact on a designated Natura 2000 site, i.e. South Dublin Bay SAC, site code 000210, and an SPA (South Dublin Bay and Tolka Estuary SPA (site code 004024).

- 3.3.2. The respondent raises the concern that surface water run-off from the site would potentially drain to the Priory Stream culvert which flows towards the SAC and therefore undermine the conservation objective of this SAC.
- 3.3.3. I would note from my original report that the qualifying interests for the SAC include mudflats and sandflats, annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand and shifting dunes.
- 3.3.4. I would consider that sediment is not as a significant concern in coastal waters relative to riverine waters as such the threat of run-off water from the proposed development is not as significant on the subject site. Furthermore the proposed development includes, distinct from mitigation measures, SUDs measures such as new green roof, which will contribute towards a reduced run-off rate.
- 3.3.5. I would confirm as I concluded in my AA Screening in my original planning report that it is reasonable to conclude that based on the information on the file, which I consider adequate 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 sites conservation objectives and a Stage 2 AA is therefore not required.

4.0 Environmental Impact Assessment

4.1.1. Introduction

4.1.2. This section sets out an environmental impact assessment (EIA) of the proposed project. I have examined the information submitted by the applicant including the submitted EIAR as well as the written submissions made to the Board.

4.1.3. A single EIAR has been prepared in respect of the proposed development. I am satisfied that the environmental impact of the proposed development is addressed under each environmental factor. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 3

above in this report and in the original Planning Inspector's Report. This EIA section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment(s).

- 4.1.4. Environmental Impact Assessment Report (EIAR) is required on the basis of Class 13 (a) (ii) the Fifth Schedule of the Planning and Development Regulations, 2001, (as amended). The application was lodged on the 25th of October 2017, and therefore, having regard to the provisions of Circular Letter PL1/2017, the subject application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. It does not however, fall within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged prior to these regulations coming into effect on 1st September 2018.
- 4.1.5. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive. The EIAR clearly sets out a case regarding the background to and need for the project (Chapter 2). The EIAR also provides detail with regard to the consideration of alternatives (Chapter 2). An overview of the main interactions is provided at Chapter 13 of the EIAR. Chapter 1, Subsection 1.10 details the main contributors / authors for each environmental factor and their qualifications. The competencies of the experts detailed in the EIAR are considered to be consistent with and appropriate to the requirements of the EIA and amending directive.
- 4.1.6. The content and scope of the EIAR is considered to be acceptable and in compliance with the requirement of Articles 94 (content of EIS) and 111 (adequacy of EIS content) of the Planning and Development Regulations, 2001 (as amended) and the provisions of the new amending directive.

4.1.7. **Alternatives**

4.1.8. The appeal site is zoned 'District Centre' and subject to a LAP. The zoning objective and the policy provisions support the proposed mixed use development. Given the zoning objective for the site and the pertaining policy provisions no alternative sites were considered.

4.1.9. However alternative design and layouts were considered. The EIAR describes how the alternative designs evolved over the years relative to previous planning permissions.

4.1.10. I would conclude that having regard to the existing use on the site that the options for alternative sites are limited. The applicant has revised design and landscaping options having regard to issues pertaining to sensitive receptor and visual / landscape implications which arose during the course of the planning process.

4.1.11. I would conclude having regard to the existing development and the district zoning objective pertaining to the site that the consideration of alternatives are reasonable. The main reasons for choosing the proposed site are set out and have been properly assessed and are acceptable.

4.1.12. **Environmental Factors**

4.1.13. The Sections below address each of the environmental factors. The headings used in the EIAR are as follows:

- Population and Human Health
- Archaeology and Cultural Heritage
- Biodiversity
- Landscape and Visual Impact Assessment
- Land and Soils

- Water
- Air Quality and Climate
- Microclimate
- Noise and Vibration
- Interactions

The direct, indirect and cumulative effects of the proposed project on the specified factors is identified, described and assessed in the following sections. In this regard I have examined the EIAR and any supplementary information and the contents of submissions received under the following headings;

- Population and Human Health
- Biodiversity
- Land, Soil, Water, Air and Climate (micro-climate)
- Material Assets, Cultural Heritage and the Landscape
- The interaction between the above factors

4.1.14. **Population and Human Health**

4.1.15. Chapter 3 of the EIAR deals with Population and Human Health. The EIAR details national employment and economic growth rates. The EIAR states that the ESRI predicted that the unemployment rate for 2019 will be 5% down from 5.7% in 2018. It is also forecasted that employment is set to increase to 2.29 million in 2019. In local terms the EIAR concludes that Blackrock has a stable economy with office employment opportunities. It would also note that the EIAR states that Blackrock experienced a fall in population from the 2011 to 2016 by 2.8%.

4.1.16. I would consider that the proposed development would have implications on air and climate, noise, visual amenities, traffic and socio-economic impacts.

4.1.17. The construction phase would result in employment opportunities and indirect employment. The indirect employment would include construction material suppliers. The local air quality could be impacted by the construction dust and construction noise which would also have implications for established residents locally. In terms of noise some established residential properties are located approximately 40m – 50m from the proposed development and typical construction noise emissions would average 68 dB and there would be impulsive and tonal noise emissions. However this noise would be temporary in nature during a 16-month construction period. The construction noises will be controlled in accordance with a construction management plan. The proposed development has the potential to disrupt water supply during construction however this would be temporary in nature. I note that mitigation measures in relation to air quality and noise are set out for the individual environmental considerations are further considered in their individual chapters of the EIAR.

4.1.18. The development will also have visual impacts both during the construction phase and also when completed. I will consider the full implications of visual impact and the mitigation measures in a separate section below.

4.1.19. In terms of cumulative impacts, there is potential for disruption to residents and in the area due to noise, dust, landscape / visual impacts and traffic disruption associated with the proposed development. These potential impacts are addressed in detail under the headings of air quality, landscape and traffic and transport in the relevant sections of the EIAR. I have considered all the written submissions made in relation to population and human health and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on population and human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on population and human health can be ruled out. I am also satisfied that cumulative effects are not likely to arise.

4.1.20. **Biodiversity**

4.1.21. Chapter 5 of the EIAR deals with ecology. The existing site is an urban site in a central location in Blackrock, Co. Dublin, situated approximately 8km from Dublin city centre. There is an established shopping centre on the appeal site, i.e. the Frascati Shopping Centre, and the site is currently under construction to provide for an extension to rejuvenation of the existing shopping centre.

4.1.22. The proposed development is effectively an above ground development relates to a residential development of 45 no. apartments on the second, third and fourth floor level. There is permitted ground and first floor commercial use currently under construction. The proposal also includes a podium car park at first floor level situated above the existing ground floor car park.

4.1.23. The subject site is not actually located within a designated site, however there is an SAC (South Dublin Bay SAC, site code 000210) and an SPA (South Dublin Bay and Tolka Estuary SPA, site code 004024) located approximately 220m to the east of the appeal site. The EIAR notes that October is not the optimum time for general habitat surveys and is also outside the optimal survey season for surveying breeding birds, bats, amphibians or large mammals. In summary the EIAR concluded from an aerial photograph from the OSI and historic mapping that the subject site has long been part of the built environment of Dublin City. In relation to flora the EIAR concludes that the subject site is entirely composed of buildings and artificial surfaces – BL3 comprising of car parking and buildings and as such is a habitat negligible of biodiversity value. I would generally concur with these conclusions and I also noted that there was a lack semi-natural vegetation on the site and there were no habitats available on the site or in the location of the proposed development.

4.1.24. In relation to fauna the EIAR notes from a site walk over which inspected external areas, i.e. walls and roof spaces and internal areas, i.e. basements and roof cavities. The EIAR survey concluded that there were no habitats on site to accommodate mammals known to be present in Dublin city. The EIAR notes that a bat survey was completed for the site in 2011 and found no evidence of feeding or commuting bats.

The EIAR also notes that no birds were recorded on the site and the habitats are not suitable to accommodate any bird of significance.

4.1.25. The Priory Stream was culverted on the site in the previous application. Overall the EIAR concludes that the proposed development will have negligible ecological value. I would concur with the fauna assessment as presented in the EIAR.

4.1.26. The EIAR has identified no impacts on biodiversity in terms of site specific or cumulative impacts and as such no mitigation measures are proposed. No monitoring or reinstatement works are required.

4.1.27. I have considered all the written submissions made in relation to biodiversity and the relevant contents of the file including the EIAR. I am satisfied that impacts that are predicted to arise in relation to biodiversity are not significant and that these impacts can be avoided, managed and / or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that significant cumulative impacts are not likely to arise, and that approval should not be withheld on the grounds of such cumulative effects.

4.1.28. **Land, Soil, Water, Air and Climate**

4.1.29. Chapter 7 deals with Land and Soil. The EIAR, based on GSI mapping and Teagasc soil map identifies the bedrock geology, subsoil geology and soil types. The subject site is fully constructed on and the proposal relates to an extension to a permitted scheme which is under construction.

4.1.30. The EIAR notes that there is no new estimated soil or rock excavation associated with the proposed residential development and during the operational phase the development should have no significant effect on the soil or groundwater conditions in the area.

4.1.31. The mitigation measures for the construction phase are set out in Section 7.8.1 and relate to the following;

- Storing of all hazardous materials within secondary containments
- Minimising sediment run-off
- Provision of wheel wash at the construction entrance
- Appropriate bunding

4.1.32. The EIAR submits that no mitigation measures are required during the operational phase as no soil or groundwater impacts are anticipated. The EIAR concludes that the predicted impacts of the proposed development are not significant. EIAR includes monitoring as set out in Section 7.10 and states that these measures will be included in a Construction Management Plan.

4.1.33. Chapter 8 deals with Water and includes surface water, foul drainage water and water supply. In relation to surface water the EIAR submits that the site surface water connects to the Priory Stream which is culverted. The EIAR identifies the following potential impacts on surface water;

- Mobilisation of sediments and harmful substances
- Accidental spills of harmful substances
- Potential for building materials or silts to be washed in the surface water system.

4.1.34. The EIAR concludes that there will be no operational impacts in relation to surface water. I would acknowledge the surface water mitigation measures set out in Section 8.8.1 of the EIAR and I would consider that these are comprehensive.

- 4.1.35. In relation to foul water drainage a separate foul drainage system exists within the site. It is proposed that this will be maintained and extended for the new development and that the drainage system will have the capacity for the proposed apartment development. In relation to foul water drainage there are potential impacts during the construction stage for mobilisation of sediments and accidental spills of harmful substances.
- 4.1.36. The EIAR mitigation measures for foul drainage during the construction phase include road sweeping / wheel washing and ongoing inspection of sewers to ensure no ground water impacts. Operational mitigation measures include reducing flows.
- 4.1.37. In relation to water supply no impacts are anticipated on water supply and mitigation measures during operational phase include economy usage and metering of water main systems.
- 4.1.38. Chapter 9 deals with Air and Climate. The EIAR outlines that the greater potential for nuisance dust is construction dust which tends to be deposited within 200m of a construction site however the majority of the construction dust is deposited within 50m of the construction site.
- 4.1.39. I would note that the proposed development would not result in any demolition works or would the proposal amount to any earthworks. The construction phase will result in some dust depositions in the air however this will be the subject of a dust minimisation plan.
- 4.1.40. I would consider that the overall impacts would be typical of a construction site and generally would be short term and insignificant.
- 4.1.41. Chapter 10 deals with microclimate. The EIAR sets out the wind speeds for Dublin Airport as these are the nearest (13km) to the appeal site.

4.1.42. The EIAR submits that the relationship between a high building and a low building can create a wind speed of 1.5 times the free wind speed. The proposed Frascati Centre is not a tall building and is less than 10 storeys. The overall height of the Frascati Centre is 24m. I would note that the elevated wind speeds around tall buildings are generated at 2 main points, either ground level in the space behind a lower building and in front of the tall building or at building corners.

4.1.43. The EIAR concludes that the proposed additional residential development does not change the height to width ratio for the development. The proposed development is for a second, third and fourth floor development and a first floor car park level. Overall I would consider, as is illustrated in the EIAR, that the proposed development would not create an additional tall or small building and would therefore not create an additional wind effect due to a so-called 'canyon effect'.

4.1.44. I am satisfied that the impacts that are predicted to arise in relation to land, soil, water, air and climate are of a local scale and that these impacts can be managed and / or mitigated by measures that form part of the operation of the proposed development, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land, soil, water, air and climate. I am also satisfied that significant cumulative impacts are not likely to arise, and that approval should not be withheld on the grounds of such cumulative effects.

4.1.45. **Material Assets, Cultural Heritage and the Landscape**

4.1.46. Chapter 6 deals with Landscape and Visual Impact. The EIAR sets out an assessment of the sensitivities of the site and this includes;

- Adjoining residential amenities to the north, west and south
- Existing belt of mature trees along the south and west boundaries
- Proposed treatment of the interface with the N31

- 4.1.47. The EIAR submits 27 no. photomontages of the proposed development from 9 no. locations as indicated on Figure 1.0 'View Location Map'. The submitted photomontages include 3 no. images from each location. These images include existing construction site (October 2018), the permitted development and the proposed development. The EIAR sets out that the overall impact of the proposed development is slight to moderate and neutral.
- 4.1.48. I would consider the visual and landscape impact from the N31 is acceptable given the scale of this national road and there is scope to accommodate a scale as proposed. I would also note the actual proposal relative to the permitted development. The proposed development involves the omission of the permitted second floor level, fronting onto the N31 with the replacement of 3 no. floors, i.e. second, third and fourth floor level. Therefore the net increase is two additional floors. The difference between the proposed top floor level and the permitted top floor level is 4.75m.
- 4.1.49. The principle landscape and visual monitoring is concentrated on the ongoing protection of trees to be retained under the parent permission of the rejuvenation scheme as well as implementation of additional boundary planting proposed under the parent permission.
- 4.1.50. In terms of cumulative impact there are no similar developments in close proximity to the site. I have considered all of the written submissions made in relation to landscape and visual impacts including the EIAR. I am satisfied that landscape and visual impacts would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect landscape and visual impacts and that significant cumulative impacts are not likely to arise.

- 4.1.51. Chapter 4 deals with Archaeology and Cultural Heritage. The EIAR review of archaeology and cultural heritage included a desk-top study of publications and a site inspection.
- 4.1.52. There are no known recorded archaeological sites within the proposed development area and no protected structures will be impacted by the proposed development. There are some protected structures on Mount Merrion Avenue and Georges Avenue. The protected structures on George's Avenue are located on the opposite side of the road (south-east) to the appeal site. The protected structures on Mount Merrion Avenue are situated an adequate distance from the proposed development.
- 4.1.53. I would conclude that the proposed development would have no adverse impact on built or cultural heritage and as such no mitigation or monitoring measures are required.
- 4.1.54. I have considered all of the submissions made in relation to cultural heritage including the EIAR. Having regard to the above, I am satisfied that impacts in relation to cultural heritage would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of cultural heritage. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.
- 4.1.55. Chapter 12 deals with Material Assets. In terms of road infrastructure there are predicted impacts during the construction phase and the operational phase however these impacts having regard to the scale of the proposed development will not be significant on the road infrastructure. Any impacts in relation to foul water disposal and potable water supply are considered above. The operational phase is likely to result in an increased demand for gas supplies from the gas network however during the construction phase there will be no impacts on the gas supply. The construction

phase will require temporary access to the local electrical supply network and there will be a marginal increase in demand during the operation phase. The impact on telecoms during construction will be short term and likely to be low whereas the impact during operational phase will be short-term and low. The impacts on municipal waste are also likely to be low during construction and moderate during the operational phase.

4.1.56. The mitigation measures include a traffic management plan, provision of utilities should be carried out in accordance with the recommendations of relevant statutory bodies and water metering should be included in each unit to record consumption.

4.1.57. Overall I would conclude that the impacts are not significant however the EIAR refers to monitoring measures as outlined in other sections of the EIAR for the relevant environmental topics.

4.1.58. **Interactions**

4.1.59. Chapter 13 relates to interactions between the various components analysed in the EIAR. The various interactions identified are...

- Population & Human Health and air
- Population & Human Health and noise
- Population & Human Health and landscape
- Population & Human Health and Water
- Population & Human Health and Traffic
- Air / Climate and Traffic and Transport

4.1.60. I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. Chapter 13 of the EIAR provides a summary of

the impact interactions. The potential arises for population and human health to interact with other factors including water, air, noise, landscape, traffic and transport, air / climate and traffic and transport.

4.1.61. I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and / or mitigated by the measures which form part of the proposed development, the proposed mitigations measures detailed in the EIAR, and with suitable conditions. There is, therefore, nothing to prevent the approval for the development on the grounds of significant effects as a result of interactions between the environmental factors and as a result of cumulative impacts.

4.1.62. **Reasoned Conclusion on the Significant Effects**

4.1.63. Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions from respondents, the Local Authority and prescribed bodies, the contents of which I have noted, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Impacts on **population and human health** as a result of **noise, dust and traffic during** the operational phase. The potential impacts would be mitigated by mitigation measures.
- **Landscape and Visual** impacts would arise on the landscape from the changing built landscape.
- **Positive significant impacts** would arise during the operational phase and benefits would include employment and economic benefits.

5.0 Recommendation

- 5.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

6.0 Reasons and Considerations

Having regard to the zoning objective for the site as set out in the Dun Laoighaire Rathdown County Council, 2016 – 2022, the National Planning Framework, 2018 – 2040, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and the overall scale, design and height of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

7.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by plans and submitted to An Bord Pleanala and Dun Laoighaire Rathdown County Council on 26th February 2018 and 25th October 2018, and 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. Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be modified as follows:
 - a. The boundary screen to the south facing balconies on the proposed second floor level (apartments no. 201 – 205 inclusive) and the south facing balconies on the third-floor level (apartments no. 301 – 305 inclusive) shall be 1.5m in height and shall be finished in obscure glazing.

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of protecting established residential amenities.

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

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

6. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

7. Proposals for an apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility.

8. The applicant shall ensure that the car parking spaces for the residential units must be sold off with the units and not sold separately, or let, to avoid non- take up by residents. The applicant shall also give an understanding in this respect, in writing, to be submitted to the Planning Authority.

Reason; In the interest of public safety and the proper planning and sustainable development of the area.

9. The remainder of flat roof areas, e.g. around the proposed 'roof terrace' and roof 'plant' enclosures, shall not be used as balconies, roof terraces or similar amenity areas, and shall be accessed for maintenance purposes only.

Reason: In the interests of residential amenity.

10. Each proposed apartment unit shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

11. Prior to the 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 3 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 fine trees on the site

12. 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.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

14. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

15. 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.

16. 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 watermains, drains 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.

17. 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.

Kenneth Moloney

Planning Inspector

15th May 2019