



An  
Bord  
Pleanála

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

## Inspector's Report ABP-304710-19

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### Strategic Housing Development

Demolition of all existing structures and construction of 554 no. apartments, commercial/enterprise spaces, 3 no. retail units, food hub/café/exhibition space, residential amenity, crèche, men's shed and associated site works.

### Location

1-4 East Road, Dublin 3

### Planning Authority

Dublin City Council

### Applicant

Glenveagh Living Ltd

### Prescribed Bodies

Transport Infrastructure Ireland  
National Transport Authority  
Irish Water  
Coras Iompair Eireann

Commission for Railway Regulation  
Iarnrod Eireann  
Dublin City Childcare Committee

**Observer(s)**

25 submissions received- see  
Appendix A

**Date of Site Inspection**

15<sup>th</sup> September 2019

**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 2.3 hectares, is located East Road, Dublin 3, immediately to the north of a railway line. This is an area with a mix of land uses that has undergone significant changes in the recent years. A number of varying land uses are evident in the general area including small scale retail / commercial / light industrial, two-storey housing, An Post sorting office, commercial development and apartment blocks. Two-storey infill development, Merchants Square, is located immediately to the east of the site. The North Docklands Area SDZ is located on the opposite side of the railway line and the general area is under rejuvenation. East Road is accessed via a narrow bridge over the railway line (single carriageway).
- 2.2. The site is currently in light industrial use. The site boundary includes for an existing two-storey redbrick house that are currently in use as the East Wall Men's shed.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 554 no. apartments, commercial/enterprise spaces, 3 no. retail units, food hub/café/exhibition space, residential amenity, crèche, men's shed and associated site works. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

<b>Site Area</b>	2.3 hectares
<b>No. of residential units</b>	554 apartments
<b>Other Uses</b>	Crèche- 539.9m <sup>2</sup> (Block C1) Enterprise Space-2444.6m <sup>2</sup> Food hub/Café Space-680.8m <sup>2</sup> Men's Shed- 91.8m <sup>2</sup> Retail- 344.6m <sup>2</sup> Tenant Amenity Space-361.6m <sup>2</sup>
<b>Density</b>	262 units/ha
<b>Public Open Space</b>	3,665m <sup>2</sup> (10%)
<b>Height</b>	3-15 storeys
<b>Part V</b>	56 units- 21 x one-bed; 35 x two-bed (Block A3)
<b>Parking</b>	241 car spaces; 810 bicycle spaces

Table 2: Unit Mix

	Studio	1 bed	2 bed	3 bed	Total
Apartments	72	202	232	48	554
<b>As % of total</b>	<b>13</b>	<b>36.4</b>	<b>41.8</b>	<b>8.6</b>	<b>100%</b>

- 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 and wastewater connections was submitted with the application, as required. It states that in order to accommodate the proposed connection, upgrade works are required to provide a connection from the 24" trunk watermain on East Wall Road into the adjacent 12" distribution watermain. The connection will require a PRV to be installed. An existing 150mm connection to the 24" trunk watermain exists at the junction of East Wall Road and the entrance to the Port Tunnel that could possibly be used. Further investigation of the viability of this

existing connection will be required at connection stage. Further testing of the network will be required following the installation of the above arrangements to ensure sufficient water supply to the development and to determine if further upgrades are necessary. Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade and capacity. The CoF to connect to the Irish Water infrastructure also does not extend to the fire flow requirements. Irish Water cannot guarantee a flow rate to meet fire flow requirements and in order to guarantee a flow to meet Fire Authority requirements, adequate fire storage capacity within the development should be provided.

- 3.3. It continues by stating that in relation to wastewater, that in order to accommodate the proposed connection, the network requires reconfiguration works in the vicinity of the East Road pumping station. Currently Irish Water is doing a survey of the network and details of the required reconfiguration will be known by the end of 2018 after the survey. Currently the works are on the Irish Water Capital Investment Plan. There is a combined wastewater system in the area. The development has to incorporate SuDS/attenuation in the management of stormwater and to reduce surface water inflow into the combined sewer. Full details require agreement with DCC Drainage Division.
- 3.4. In addition, a Design Submission was included with the application, in which Irish Water state that they have no objections to the proposal.
- 3.5. A Flood Risk Assessment was submitted with the application which concludes that the development passes the Justification Test in accordance with Box 5.1 of the relevant Guidelines and the proposed development is deemed appropriate to be located within Flood Zone A on the basis that the mitigation measures stipulated within the justification test are met. The proposed development is located within Flood Zone A for tidal flooding, however the site is located in an area that benefits from flood defence measures, therefore the SSFRA has assessed the residual risks associated with breach of these defences. Mitigation measures are proposed.
- 3.6. A Screening Report for Appropriate Assessment submitted with the application concludes that no elements of the development will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant

European site, either on their own or in combination with other plans or developments, in light of their conservation objectives.

- 3.7. A letter of consent from Dublin City Council, City Engineer has been submitted with the application which states that they have no objection to the inclusion of lands (indicated green on attached drawing) for the purpose of making a planning application. This is without prejudice to the outcome of the planning application process.
- 3.8. An EIAR has been submitted with the application.

## 4.0 Planning History

### Subject Site

2690/01 (PL29N.128741)

Permission GRANTED for change of use of storage area for cardboard recycling

0101/02 (PL29N.205481)

Permission REFUSED on appeal for demolition of two houses and construction of 81 apartments, crèche, retail units and office space

### Nearby Sites:

ABP-305219-19:

Strategic Housing Application for 548 no. residential units (464 no. apartments, 84 no. shared accommodation) and associated site works at City Block 2, Spencer Dock, Site bound by Sheriff Street Upper to the north, Mayor Street Upper to the

south, New Wapping Street to the east and a development site to the west (also part of Block 2), Dublin 1. Case is due to be decided by 09/12/2019

## 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 6<sup>th</sup> February 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. Rationale for proposed building height with regard to the criteria provided in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities.
2. Proposals to address the development plan requirement that a minimum of 5% of space in the Docklands SDRA area is to be used for social, cultural, creative and artistic purposes with the location of same clearly indicated on the submitted plans.
3. Photomontages, cross sections, visual impact analysis, shadow analysis, boundary treatment and landscaping details to indicate potential impacts on visual and residential amenities, to include views from the wider area including in particular adjacent residential areas; axiometric views of the scheme and CGIs.
4. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential overshadowing impacts on adjoining residential areas.
5. Analysis of wind microclimate at ground level.

6. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture where proposed and indicates which areas are to be accessible to the public.
7. Revised roads and vehicular access layout at East Road, to address issues raised in the report of Dublin City Council Transportation Planning Division dated 15<sup>th</sup> January 2019.
8. Rationale for proposed car parking provision, to include details of car parking management and car share scheme.
9. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.
10. Surface water drainage proposals to address issues raised in the report of the Engineering Department – Drainage Division of Dublin City Council dated 21<sup>st</sup> January 2018.
11. Site Specific Flood Risk Assessment, based on a one year high tide event during 100-year rainfall event and showing the impact of 20% climate change as per the 'Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment', to consider downstream / displacement impacts as a result of the proposed development.
12. A noise report, which addresses the potential noise impact from the adjoining railway line and clearly outlines proposed noise mitigation measures, if so required.

### **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. This statement attempts to address the points raised above.



## 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

### Local Planning Policy

The Dublin City Development Plan 2016-2022 is the operative City Development Plan.

### Zoning:

‘Objective Z14’ which aims to ‘*To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and “Z6” would be the predominant uses.*’

Land use zoning ‘Z6’ seeks to ‘provide for the creation and protection of enterprise and facilitate opportunities for employment creation’

### Chapter 5 Quality Housing

Section 4.5.4 of the operative City Development Plan deals with taller buildings and states that ‘*Clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are likely to be achieved in a limited*

*number of areas only. Taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs. For example, the North Lotts and Grand Canal Dock SDZ planning scheme provides for a limited number of tall buildings at Boland's Mills, the Point, Spencer Dock Square and Britain Quay.*

*There are also a few areas where there are good transport links and sites of sufficient size to create their own character, such that a limited number of mid-rise (up to 50m) buildings will help provide a new urban identity. These areas of the city are the subject of a local area plan, strategic development zone or within a designated SDRA."*

There are no specific objectives relating to building height at the development site.

#### Section 16.7 Building Height in a Sustainable City

6.1.1. The site is located in SDRA 6 Docklands (SDZ and Poolbeg West), within the Docklands Area of the SDRA. Development Plan section 15.1.1.7 applies. The following points of same are noted in relation to residential development:

- Holistic approach to housing that will achieve successful integration of residents, neighbours and the wider community.
- Promote the expansion of the Docklands' residential population, cater for life-cycle requirements of the existing population and provide recreational facilities for children across a range of ages.
- Provide for residential choice with schemes conducive to family living, long-term rental and home-ownership
- Achieve successful interaction between the SDZ scheme and surrounding streets and public realm to retain and foster a strong sense of neighbourhood within communities
- Ensure that residential developments optimise the unique Docklands character in terms of visual context, maritime location, heritage assets and community identity
- Provide physical, social and amenity infrastructure in tandem with new housing

- Safeguard residential amenity and ensure appropriate transition in scale. Design of new development to have regard to the context, setting and amenity of existing housing within the SDZ and wider Docklands area
- Provision of Part V and use of the voluntary and co-operative model to achieve mixed tenure communities, also provision of support housing in conjunction with housing agencies.
- Encourage 'own front doors' and defensible open space as far as practicable

## 7.0 Third Party Submissions

7.1. In total, 25 submissions were received. I note that three main pro-forma/objection templates were used (see Objection Templates below). In addition to this, individual submissions that represented a mix of templates or no template were received. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

### Objection Template 1

- Limited services and infrastructure in the area
- Traffic and parking
- Access to public transport
- Water pressure
- Flooding
- Losing sense of community

### Objection Template 2

- Absence of pre-application consultation
- Material contravention of City Development Plan
- Height and density
- Urban design/integration with East Wall village/open space provision
- Traffic and parking

- Amenity issues- Loss of light/overlooking/wind and microclimate
- Construction phase
- Soil contamination
- Development Plan policy in relation to cultural, social and artistic allowance
- Flooding/services
- Part V

### Objection Template 3

- Overlooking/loss of light
- Visual impact
- Traffic impacts
- Design and integration
- Construction impacts

### Other issues not raised in above submissions include:

- Density
- Public access

## 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, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 14<sup>th</sup> August 2019. The report may be summarised as follows:

### **Information Submitted by the Planning Authority**

Details were submitted in relation to the zoning, site description, planning history, observations, pre-application consultations, central area committee, interdepartmental reports, external consultees/interested parties, appropriate assessment, EIA and assessment. A summary of representations received was outlined.

## Summary of Inter-Departmental Reports

Drainage Division: No objections, subject to conditions

Roads and Traffic Planning Division: No objections, subject to conditions

Housing and Community Services: BSM on behalf of Glenveagh Living Ltd has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site if permission is granted

A comprehensive assessment has been undertaken by the planning authority of the proposal and reference has been made to same within the main body of my report.

The assessment concludes as follows:

- Proposal on this brownfield site for mixed use would be acceptable and in keeping with the zoning objective and policies of the SDRA.
- Proposed layout provides for planning gain by way of public permeability through the site- in order to ensure this planning gain is realised by the wider community and to comply with PA requirements, it is essential that this space remains open to the public and is not gated- recommended that condition be attached in this regard
- Proposed development provides for relocation of men's shed and provision of a range of uses to provide for footfall and activity at street level
- Proposed residential units all provide for an acceptable standard of residential amenity at a sustainable density
- Private and communal open space provided in accordance with Development Plan requirements
- Issues raised in third party submissions in relation to additional traffic in vicinity have been addressed in report of Transportation Planning Division, which raises no objections to the proposal, subject to conditions
- Issues relating to air quality, dust, noise, wind and microclimate impacts are

addressed in EIAR, which provided mitigation measures

- Main concerns relate to height of proposed development, in particular proposed fifteen storey block DT2, both in respect of visual impact and impact on adjoining residents in respect of overshadowing- PA remains concerned in relation to principle of fifteen storey building at this location, which is outside Docklands SDZ area and the precedent that the development would set elsewhere in the area. Notwithstanding this, it is considered that the proposal provides for sustainable use of this brownfield site and provided for a range of uses in addition to residential accommodation, which is welcomed.
- Considered that the proposal would be in keeping with the planning policy for the area, including Development Plan policy and the policies set down in national guidelines. Subject to conditions, it is therefore considered that permission could be granted.
- Conditions attached

The report includes a summary of the views of relevant Elected Members, as expressed at the Central Area Committee meeting held on 14/05/19 and are broadly summarised below:

- Site issues
- Traffic/car parking spaces
- Height
- Part V compliance
- Public open space

## 9.0 Prescribed Bodies

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

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee
5. Córas Iompair Éireann
6. Commission for Railway Regulation
7. Iarnród Éireann

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

### Iarnrod Eireann

Conditions attached; query raised in relation to issues of land ownership

### Irish Aviation Authority

Conditions attached

### 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.

### Transport Infrastructure Ireland

No observations to make. Notes that proposed development falls within an area set out in Section 49 Levy scheme for Light Rail- scheme lists several exemptions where levy does not apply.

## 10.0 Oral Hearing Request

10.1. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.2. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I note the observer submissions received and the contents thereof. Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral hearing in this instance.

## 11.0 Assessment

11.1. 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 Dublin City Development Plan 2016; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; the nearby designated sites; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. 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

## 11.2. Principle of Proposed Development

11.2.1. Having regard to the nature and scale of development proposed, namely an application for 554 residential units, together with other mixed uses including commercial/retail uses located on lands on which such development is permissible 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.

11.2.2. I note the Z14 zoning objective for the site and the fact that it is located within Strategic Development and Regeneration Area 6 (SDRA6). Guiding principles for this SDRA have been outlined within the operative City Development Plan (see section 15.1.1.6). It is noted that one of the guiding principles for this SDRA advocates that all new developments in the docklands area provide for a minimum of 5% allocation of space in the development to be used for social, cultural, creative and artistic purposes. This was raised within the Pre-Application Consultation Opinion which issued from ABP, with the prospective applicants requested to address this development plan requirement at application stage. The applicants have responded to same and state that the Development Plan does not provide a definition or clarity for the basis of the 5% space calculation. I would concur with this assertion. The applicants state that the potential uses which have been considered under 'social, cultural, creative and artistic' is broad in nature and requires a wider consideration than the usual assumptions pertaining to social/cultural uses. They further state that they are of the opinion that the 5% requirement for such uses has been achieved. The planning authority accept that the men's shed, which is existing on the lands, would provide a valuable community facility for both existing and new residents in the area. They state however that the proposed central square forms part of the requirement for public open space on the site and notwithstanding the reference to markets and outdoor performance space, it is therefore considered that

the required 5% should be additional to this. I would concur with the opinion of the planning authority in this regard. The crèche is also a requirement in such new residential areas. However, I would concur with the opinion of the planning authority that in this instance, given the high proportion of one-bed and studio units, the normal requirement for provisions of crèche places would not be required in this instance. While I note the number of uses proposed which could be described as falling into the category of 'social, cultural, creative and artistic purposes', the extent of the uses is not clear, as highlighted by the planning authority given that the uses would be dependent on the eventual occupants of the spaces, who are unknown at present. Therefore, it is my opinion, as recommended by the planning authority that a condition be attached to any grant of permission, which requires the exact location of the 5% space to be used for these purposes, together with their operation and management, to be agreed prior to occupation. This is considered reasonable.

### **11.3. Design and Layout**

- 11.3.1. The proposal involves the construction of 554 residential apartments in nine no. blocks at East Road, Dublin 3. The proposal is generally 3-15 storeys in height. This is a mixed use development and the proposal also includes for the provision of crèche, enterprise units, foodhub/café/exhibition space, men's shed and retail uses, together with tenant amenities for future residents. 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. I welcome the mixed use nature of the development, which provides for associated services and facilities to accommodate a population of the scale envisaged within this proposed development. The proposed commercial uses opening onto the open space areas will add to the vibrancy of the area. They have the potential to provide for a new vibrant community and will provide such services which cater to the wider population of East Road and beyond. It is my opinion that the success of the overall scheme will depend on the take-up rate of these units, together with the uses proposed therein. Proposed uses should be agreed with the planning authority, prior to occupation and this matter could be adequately dealt with by means of condition, if the Bord is disposed towards a grant of permission.
- 11.3.2. The proposal provides for the demolition of five buildings on site, mainly warehouse units and shed, but also includes for No. 4 East Road, a property which has some

streetscape value at this location. However, I note that this property is not a Protected Structure and I have no objection to the demolition works proposed, which would facilitate the redevelopment of the site.

11.3.3. The mix of units at 72 x studio, 202 x 1 bed, 232 x 2 bed and 48 x three bed units is considered acceptable. This would lead to a good population mix within the scheme, in an established area where the quantum of dwellings is noted. The proposed mix would cater to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Unit size is also acceptable and most units are in excess of minimum standards.

11.3.4. Density at approximately 262 units/ha is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines.

11.3.5. Public open space is provided for within the application by means of a central open space (East Square) and a secondary public open space (East Yard Court). Some of the third party submissions received have raised concerns about possible future gating of the public open space and its restriction by members of the wider public. It is not intended that the development be gated and I would concur with the planning authority that as the main square is part of the 10% open space requirements for the development, it is crucial that it remains accessible to the wider public. If the Bord is disposed towards a grant of permission, this matter could be adequately dealt with by means of condition. Adequate private/communal open space is provided to the residential units. Communal open space is proposed, primarily at podium level and I am of the opinion that it is reasonable that these spaces cater solely for the population of the proposed development and not be available to the wider public. Pedestrian permeability is good.

11.3.6. The location of the site is noted, just outside the boundary of the North Lotts SDZ. I have examined the documentation associated with the SDZ in relation to matters of height and I draw the attention of the Bord to chapter 4 of same. The attention of the Bord is drawn to the fact that the subject site is not located within the SDZ lands and therefore it is the policies and objectives of the operative City Development Plan, together with national guidelines, which apply in this instance. Section 16.7 of the operative Dublin City Development Plan deals with the issue of building height and acknowledges the intrinsic quality of Dublin as a low-rise city. Section 16.7.2

identifies building heights for the city and identifies a building height cap of 24m for residential development in this location. Certain specific areas of the city, including sites within the Docklands have been identified as being appropriate for heights in excess of 50 metres, however this is not one such identified site. The tallest block in the proposed development is Block D2T, stated as being 51.97 metres. I note that the applicants have submitted a material contravention statement in relation to the matter of height and have advertised same within their public notices, as required under the legislation. Reference is made within the statement to the adoption of Urban Development and Building Heights – Guidelines for Planning Authorities (2018) as the main justification for the heights proposed over and above that stipulated in the operative City Development Plan. It is stated that the East Road site sits at a transition point between the ‘SDZ’ and the wider ‘Docklands Area’ as identified in the Development Plan, and is adjacent to an existing 12 storey building permitted close to, but outside of, the former Dublin Docklands Development Authority area/SDZ area. I would not disagree with this assertion. The applicants further argue that consideration of increased density for residential development can be seen within other SDRA areas, e.g. SDRA 12 St. Teresa’s Gardens, where heights to 15 storeys at specific locations within the site area are promoted in the Framework Plan approved by Council. The applicants contend that the site, the subject of this SHD application, shares the rationale for increased residential density and height as SDRA 12 due to its excellent accessibility and proximity to the city’s major business district and to the specific location and boundary opportunities presented by the site. The attention of the Bord is drawn to the fact that there are no specific objectives for increased height on this subject site.

11.3.7. Under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning

Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. It is noted that in the short term to 2020, the Housing Agency has identified a need for at least 45,000 new homes in Ireland’s five cities, more than 30,000 of which are required in Dublin city and suburbs, which does not include for additional pent-up demand arising from under-supply of new housing in recent years. In the longer term to 2040, the NPF developments a need for a minimum of 550,000 new homes, at least half of which are targeted for provision in Ireland’s five cities (Objective 3b). The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland’s cities to be provided within the existing urban envelope (Objective 3a). A significant and sustained increase in housing output and apartment type development is necessary. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal.

11.3.8. 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 existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The principle of a higher tower element surrounded by blocks of a lower height is considered acceptable. I consider that the proposal does

not represent over-development of the site and is acceptable in principle on these lands.

11.3.9. Notwithstanding the above, I do raise some concerns in relation to the proposal before me, with regards the design of the proposed tower element, its slenderness ratio, architectural expression and visual impacts (Block DT2). While I do not have issue with the height of this element of the proposal per se, I do question whether the design expression is appropriate. In particular, I draw the attention of the Bord to the Design Statement, 'East Road Bridge Render' (page 65). This render best highlights my concerns, which relate primarily to its slenderness ratio, together with its relationship/height with the proposed lower blocks. I consider that the tower element reads as being too bulky when viewed from this vantage point, relative to the lower blocks. Given the block dimensions proposed, I consider that the tower would need to be of a greater height in order to achieve a more desirable slenderness ratio. However, the location of the site is such that I consider the height proposed to be appropriate. I note that generally the same block width dimensions are used for all blocks within the proposed development. While these dimensions work relatively well for the lower blocks, I question whether it is the correct design approach to continue these dimensions through for the higher element. I consider that the tower element requires a more bespoke consideration than has been proposed in this current application. In my opinion, it needs more articulation to emphasise the height, in particular when viewed from the East Road Bridge render as one is looking at a double frontage at this location, which in my opinion emphasises its bulkiness. I acknowledge the rationale for the positioning of the tower element at this angle, but I do question whether the six bay width is excessive. I am of the opinion that a reduced number of bays may be more appropriate and more aesthetically pleasing at this location, giving it a more slender appearance and reducing significantly its bulkiness. I also query whether the elevational treatment is the optimal design approach. I consider that the tower element would benefit from greater refinement and as proposed is considered to be somewhat of a missed opportunity, having regard to the prominent location of the site. The proposed tower element should be of the highest architectural quality given the prominent location it will occupy within the skyline at this location and given that the proposal may set a precedent for further similar developments in the area. I am of the opinion that the required

standard of architectural quality has not been achieved in this instance and that this element of the overall proposal is somewhat of a missed opportunity. I am of the opinion that Block DT2 should be omitted from the current proposal and the applicant re-apply with a revised design, as a separate application at a later date to the planning authority.

11.3.10. With regards the issue of precedent for the taller element, I am aware that a grant of permission for this higher element may be cited as precedent for similar type developments in the general area and this is a valid concern which has been raised by the planning authority. I am however cognisant of the policy with the operative City Development Plan with regards to appropriate locations for taller buildings, together with national guidance in this regard. While I consider that this subject site may have capacity for a higher element at the location proposed, given its locational and site context, I am of the opinion that every site within the docklands area does not have such capacity and that a grant of permission on this subject site does not give carte blanche for applications for taller buildings on other sites in the vicinity. Every application is assessed on its own merits and the Urban Development and Building Height Guidelines (2018) give detailed guidance as to what sites may be considered as being appropriate for such higher elements.

11.3.11. I note a considerable extent of render of proposed, which raises some concerns in relation to the quality of the proposed scheme and its durability/maintenance into the future. I draw the attention of the Bord to the poor weathering of the nearby blocks where render has been utilised and this finish is not something which I consider appropriate to replicate. I therefore consider that the proposed render elements on this scheme should be replaced with a brick finish, of differing palette to break up the various elements. Exact details relating to same should be dealt by means of condition, if the Bord is disposed towards a grant of permission. If the Bord is of a similar mind, this matter could be adequately dealt with by means of condition.

## 12.0 Impacts on Amenity

- 12.1.1. The issue of impacts on amenity has been raised in many of the submissions received. Concerns have been raised, *inter alia*, in relation to overlooking, overshadowing and loss of light. 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 a brownfield lands 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 underdeveloped piece of serviceable land, where development such as that proposed is open for consideration. As has been previously stated, the development site is located within an established part of the city where services and facilities are available, in close proximity to good public transport links and where pedestrian and cycle connectivity is good. The proposal offers a benefit to the wider community by virtue of its public open space provision, together with the various other uses proposed including childcare facility, retail units, work spaces, men's shed and the like.
- 12.1.2. 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. In terms of impacts on properties on the opposite side of East Road, in the general vicinity of Church Road, I draw the attention of the Board to the level differences between the subject site and the properties along the Church Road area, which are set at a much lower level. Significant separation distances are also noted. I note that the gable elevations in Teeling Way bounding the subject site are comprised primarily of blank elevations. In my opinion, it is the properties in Merchant's Square which have the potential to be most affected by the proposed development. However, the scheme has been designed in such a way as to minimise such impacts with reduction in heights of blocks, positioning of fenestration and setbacks proposed. Having regard to all of the above, I am satisfied that the proposal will not impact on the amenities of the area to such an extent 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 inner urban locations.

12.1.3. 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. This matter has been addressed within the submitted EIAR. 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 final Construction and Demolition Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

12.1.4. 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. A Sunlight and Daylight Access Analysis was submitted with the application and it contains a scientific and robust analysis, with which I am generally satisfied. Standards have generally been met in relation to issues such as number of dual aspect units, ceiling heights, floor areas and private open space provision. A Wind Microclimate Report has also been submitted, the contents of which appear reasonable and robust, and includes for mitigation measures.

12.1.5. 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.

## **12.2. Traffic and transportation**

12.2.1. One access point on East Road is proposed to serve the development and this will be incorporated into the Church Road/East Road priority-controlled junction. The proposal includes for the upgrade of this junction. A total of 241 car parking spaces are proposed (227 spaces for residents; 7 spaces for staff of enterprise hub; 7 spaces for childcare facility/servicing), together with 810 bicycle parking spaces. I

note that the vast bulk of the submissions received raise concerns in relation to traffic and transportation issues.

- 12.2.2. It is noted that a number of assessments/reports have been submitted with the application with regards traffic, access and parking, which include for a Traffic and Transport Assessment, Mobility Management Plan and Parking Strategy. The TTA concludes that the site is ideally situated to benefit from a comprehensive range of transport connections which result in the site benefiting from excellent accessibility levels for all modes of travel. Furthermore, the range and proximity of a number of existing (and emerging) public transport interchanges further enhances the sustainability characteristics of the site. I would concur with this assertion. The upgrade of the Church Road/East Road/site access junction will be beneficial to the wider area, will include for dedicated pedestrian crossing facilities, will improve visibility and will control speeds.
- 12.2.3. In terms of trip generation and distribution, baseline surveys were undertaken in April 2018 and these surveys indicate that the AM peak time is between 7.30am and 8.30am, while the PM peak period is between 5pm and 6pm. The total vehicle trip generation, is indicated in Table 5.7 of the TTA, which states that using TRICS database, the AM peak hour arrivals/departures is 28/48 while the PM peak hour arrivals/departures is 52/30 vehicles. The Transportation Department of the planning authority, having submitted a comprehensive report to ABP, states that they have no objections to the proposed development, subject to conditions.
- 12.2.4. Having regard to the location of the site and its proximity to quality public transport, together with section 28 ministerial guidelines which allow for reduced standards of parking at certain appropriate locations, I consider that the quantum of spaces being provided is acceptable at this location. I note that the planning authority, in their Chief Executive Report has not raised concern in relation to this matter and state that the proactive mobility management strategy for the site will provide alternative sustainable transport options for future residents, thus reducing the overall impact in the surrounding road network. The Transportation Division of the Planning Authority recommends a grant of permission, subject to conditions. The planning authority has raised no issue with the quantum of cycle parking space proposed and I am also satisfied in this regard.

12.2.5. I would concur with the planning authority that the subject site is strategically located proximate to the city centre, where there a number of high quality intercity and commuter links, as well as employment opportunities within walking distance. The proposed roads improvement works will benefit the wider area. 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. 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.

### 12.3. Drainage

12.3.1. 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. It states in relation to water, that in order to accommodate the proposed connection at the premises, upgrade works are required to provide a connection from the 24" trunk watermain on East Wall Road into the adjacent 12" distribution watermain. This connection will require a PRV to be installed. An existing 150mm connection to the 24" trunk watermain exists at the junction of East Wall Road and the entrance to the Port Tunnel that could possibly be used. Further investigation of the viability of this existing connection will be required at connection stage. Further testing of the network will be required following the installation of the above arrangement to ensure sufficient water supply to the development and to determine if further upgrades are necessary. Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade and capacity. In relation to wastewater, Irish Water continue by stating that in order to accommodate the proposed connection, the network requires reconfiguration works in the vicinity of the East Road pumping station. Currently Irish Water is carrying out a survey of the network and details of the required reconfiguration will be known when completed. Currently the works are not on Irish Water Capital Investment Plan. There is a combined wastewater system in the area. The development has to

incorporate Sustainable Drainage Systems/Attenuation in the management of stormwater and to reduce surface water inflow into the combine sewers. Full details of these have to be agreed with the Drainage Division of the planning authority.

- 12.3.2. Following on from the above, a Statement of Design Acceptance from Irish Water has been submitted with the application. This states that based on the information provided, which included the documents outlined in Appendix A to this letter, Irish Water has no objection to the proposals. A submission received from Irish Water by ABP in response to this current application states that 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. This is considered acceptable.
- 12.3.3. An Infrastructure Design Report and a Site Specific Flood Risk Assessment were submitted with the application. The information contained within these documents appears reasonable and robust. The report of the Engineering Department of the planning authority, as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions.
- 12.3.4. The contents of the submitted Site Specific Flood Risk Assessment appear reasonable and robust. It is noted that part of the site is located within Flood Zone A for tidal flooding, although the site is located in an area that benefits from flood defence measures. The SSFRA has assessed the residual risks associated with breach of these defences. The SSFRA concludes that enterprise and commercial are categorised by the Guidelines as less vulnerable development and appropriate to be located within Flood Zone A if the requirements of the Justification Test are met. Residential units and crèche are categorised as highly vulnerable development. The development passes the Justification Test in accordance with Box 5.1 of the Guidelines and the proposed development is deemed appropriate to be located within Flood Zone A on the basis that the mitigation measures stipulated within the justification are met. Such mitigation measures have been detailed.
- 12.3.5. 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 this matter can be adequately dealt with by means of condition.

## 13.0 Other Matters

- 13.1.1. I note that some of the submissions received, in particular that from Iarnrod Eireann, relate to boundary concerns. I can only undertake my assessment based on the information before me and I am satisfied that the applicant has demonstrated sufficient legal interest to make this application. Such issues are considered to be legal matters outside the remit of this planning application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.
- 13.1.2. I note the submissions received in relation of a lack of pre-application consultation with local residents. While I acknowledge that this may have been beneficial to both sides, there is no requirement in the legislation for such consultation to take place.
- 13.1.3. I note the Part V details submitted, together with the report of the Chief Executive of the planning authority in this regard. I have no issue with the proposal in this regard.
- 13.1.4. A high level of plant and machinery is proposed at roof level, including SKY dishes, all of which have the potential to be visually obtrusive on the skyline, in particular on the roofs of the higher blocks. A condition should be attached stipulating that plant/machinery at roof level be the subject of a separate application.

## 14.0 Environmental Impact Assessment

### 14.1. Statutory Provisions

- 14.1.1. This application was submitted to the Board after 1<sup>st</sup> 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.
- 14.1.2. 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.
- 14.1.3. 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.
- 14.1.4. The development proposes 554 residential units and has a stated area of 2.3 hectares, located within the built-up area. It therefore is within the above thresholds and requires mandatory EIA.
- 14.1.5. The EIAR contains three volumes, which includes for a Non-Technical Summary. Chapters 1-4 inclusive set out an introduction to the development, background to proposed development, methodology used, description of the proposed development. The strategic need for the development is outlined in the context of the zoning of the site and national and local planning policy.
- 14.1.6. 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:

- Population and Human Health
- Cultural Heritage, Archaeology and Architectural
- Biodiversity (Flora and Fauna)
- Landscape (Townscape) and Visual
- Traffic and Transport
- Land, Soils, Geology and Hydrogeology
- Surface Water-Hydrology
- Air Quality and Climate
- Noise and Vibration
- Microclimate-Daylight/Sunlight
- Microclimate-Wind
- Material Assets-Services
- Material Assets- Waste
- Interactions
- Cumulative Impacts
- Schedule of Environmental Commitments

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

14.1.8. 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.

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

## 14.2. **Alternatives**

14.2.1. 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.”*

14.2.2. Section 5 of the submitted EIAR deals with alternatives and sets out alternative layouts and designs considered. It is considered that the issue of alternatives has been adequately addressed in the application documentation.

### 14.3. **Assessment of Likely Significant Direct and Indirect Effects**

#### 14.3.1. Population and Human Health

Section 7 of the EIAR is entitled population and human health. The site is located 1.8 km east of Dublin city centre and is within the Local Electoral Area of North Inner City. It is concluded that the proposed development will provide residential accommodation, which will be a positive effect for the local area and will have positive effect on overall economy of the locality. Mitigation measures have been outlined that will ensure no 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.

#### 14.3.2. Cultural Heritage, Archaeology and Architectural

Section 8 of the submitted EIAR deals with cultural heritage, archaeology and architectural. The proposal is located on a brownfield site, in a predominantly industrial area. There are no recorded archaeological sites within the proposed development site or in the immediate area. The site is located outside the zone of archaeological potential for historic Dublin. There are no architectural heritage sites in proximity to the development site. The closest is the Sheriff Street lifting bridge, 300m to the east. Two undesignated sites of industrial heritage are located in the environs of the proposed development- late 19<sup>th</sup> century bridge carrying East Road across the railway line (just outside the site) and an early 20<sup>th</sup> century pumping station c.30m south. Neither will be negatively affected by the proposed development. It is concluded that the proposed development on an otherwise



unattractive urban plot would have a positive impact on the environs of the site. Mitigation measures have been outlined in relation to archaeological heritage.

I have considered all of the written submissions made in relation to cultural heritage, archaeology and architectural. 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, archaeology and architectural are likely to arise

#### 14.3.3. Biodiversity (Flora and Fauna)

Section 9 of the EIAR refers to biodiversity (flora and fauna). The site is urban in nature and no rare habitats or habitats of high ecological are present at the site. With the exception of a few street trees that have been planted near the site entrance and an earth embankment in the south-western corner, the site is entirely dominated by buildings or hard surfaces. Overall, the site is of no ecological importance. There are no watercourses on, or connected to the site. No designated conservation areas will be impacted in any way by the proposed development and no mitigation measures are required.

New planting will be incorporated into the landscape design and the landscaping strategy will use a mix of appropriate species, incorporating a range of species that will attract feeding invertebrates, including moths, butterflies and bees. No bat roosts have been recorded at the site and it will not be necessary to apply for a derogation licence. The proposal will result in no long-term residual impacts on any ecological receptors, either within or in the vicinity of the site, or associated with any site designated for nature conservation. The landscape planting that is proposed will ensure that there will be an overall increase in biodiversity on the site. Mitigation measures have been outlined.

I have considered all of the written submissions made in relation to biodiversity. 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 biodiversity (flora and fauna) are likely to arise.

#### 14.3.4. Landscape (Townscape) and Visual

Section 10 of the submitted EIAR deals with landscape and visual. Photomontages were submitted in this regard. During construction, the proposed development will give rise to both landscape and visual effects at the scale of the wider city, the docklands and the local context, primarily in the form of site clearance, excavation and ground works, structural and general construction works. Construction will include construction traffic, erection and operation of tower cranes, movement of machinery and personnel, and the gradual emergence of the various elements of the development. It is anticipated that landscape and visual effects will generally be more slight and neutral at the wider city scale, and becoming more moderate, significant and negative closer to the site. Construction effects however will be temporary and short term by their nature.

Once completed, and in operation, the proposal will represent a comprehensive regeneration and transformation of the currently underutilised light industrial lands to a high density mixed use urban development. It is anticipated that landscape and visual effects will range from significant/moderate to moderate/slight. They are likely to be perceived initially as negative by virtue of the change and the larger scale, however these will become more acceptable over time as the buildings are occupied and the development provides a new destination and facilities to the locality.

I have considered all of the written submissions made in relation to landscape (townscape) and visual. I am generally 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 landscape (townscape) and visual are likely to arise. My concerns relating to Block DT2 have been outlined above and I draw the attention of the Bord to same.

#### 14.3.5. Traffic and Transport

Section 11 of the submitted EIAR deals with traffic and transport. The issue of traffic and transport has also been dealt with in my assessment above. An operational assessment of the proposed upgraded junction has been undertaken and the results of same are stated to be consistent with the existing AM and PM travel demands, namely in the AM peak period the majority of vehicles are travelling southbound/inbound, whilst in the PM peak period the demand is reversed. A number of initiatives have been put forward including controlled access to undercroft

parking areas, implementation of Mobility Management Plan and short-term parking only within internal courtyard. It is concluded that through the implementation of the proposed mitigation measures and the rollout/uptake of the Mobility Management Plan initiatives, the proposed Development will not result in a material deterioration of road traffic conditions.

I have considered all of the written submissions made in relation to traffic and transport. 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 traffic and transport.

#### 14.3.6. Lands, Soils, Geology and Hydrogeology

Section 12 of the EIAR deals with land, soils, geology and hydrogeology. The profile onsite comprises thin hardstand overlying > 1.5m of made ground comprising mostly of sandy gravelly clay with fragments of redbrick. The importance of the bedrock and soil features at this site is rated as low importance with medium quality value on a local scale, using NRA criteria. The site was previously used as a timber yard, is currently a container/trailer park and there is confirmed contamination to varying degrees in the fill/shallow overburden underlying the site. A locally important bedrock aquifer is below the site. It is not used for public water supply or widely used for potable use and is well protected (low vulnerability). In addition, it does not host any groundwater dependent ecosystems (SACs / NHAs). Mitigation measures have been proposed for construction stage, which address potential impacts of soil removal and compaction; fuel and chemical handling, transport and storage. Surface water management will ensure there is no risk to the underlying aquifer. Temporary storage of soil will be carefully managed to prevent any potential negative impact on the receiving environment. All excavated material will be removed offsite. It will be visually assessed for signs of possible contamination such as staining or strong odours. As it has already been determined that the soil material underlying the site is contaminated, this will be segregated, classified and appropriately disposed of by a suitably permitted/licensed waste disposal contractor.

14.3.7. I have considered all of the written submissions made in relation to lands, soils, geology 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 lands, soils, geology and hydrogeology.

14.3.8. Surface Water- Hydrology

Section 13 of the submitted EIAR deals with surface water-hydrology. The Liffey estuary is located circa 600m to the south of the subject site, while the Tolka Estuary is located 1km to its north. There is no surface water course recorded at or bordering the site and it is not hydraulically linked (other than through man made sewers) to the estuarine waters to the north and south. The site is serviced by an existing surface water sewer located to the west of the site along East Road which in turn connects to the existing 600mm diameter combined sewer on Church Road and discharges to the existing Irish Water pumping station on East Road. The proposed drainage system has been designed in accordance with Greater Dublin Strategic Design System (GDSDS) specifications. The drainage system will employ a number of attenuation methods. A SSFRA was submitted with the application, which identifies existing flood zones and sets out mitigation measures to ensure there is no likely flooding of the proposed site or surrounding lands as a result of the proposed development. A Justification Test was undertaken. CFRAM mapping shows that the site is within a modelled flood extent for the 0.5% AEP (Annual Exceedance Probability) *i.e.* 1 in 200-year tidal flood event as per the Irish Coastal Protection Study. It is however in an area that benefits from flood defence measures. The conclusion of the FRA show that finished floor levels are located above the 0.1% AEP flood level, in addition to a climate change allowance and a conservative freeboard, giving a minimum FFL for this type of development of 4.08m. Potential impacts of construction and mitigation measures proposed have been identified

I have considered all of the written submissions made in relation to surface water-hydrology. 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 surface water- hydrology.

#### 14.3.9. Air Quality and Climate

Section 14 of the submitted EIAR deals with air quality and climate. 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 set out in the Plan are implemented, fugitive emissions of dust from the site are considered to be insignificant and pose no nuisance at nearby receptors.

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.

#### 14.3.10. Noise and Vibration

Section 15 of the submitted EIAR deals with noise and vibration. Prevailing noise levels in the locality are primarily due to local road traffic. A noise impact assessment was undertaken which focused on the potential outward impacts associated with the construction and operational phases of the proposed development on its surrounding environment. The assessment determined that construction noise criteria can be complied with at the nearest sensitive properties. There is potential for elevated levels of noise at some adjacent properties during demolition works of buildings within the grounds. Mitigation measures have been outlined. The impact assessment has concluded that during operational phase additional traffic from the proposed development will have an insignificant impact on the surrounding noise

environment and that plant items will be designed to ensure any noise and vibration impacts will not exceed the recommended limit values.

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.

#### 14.3.11. Microclimate-Daylight/Sunlight

Section 16 of the submitted EIAR deals with the topic of microclimate-daylight/sunlight. A Daylight and Sunlight Access Analysis was undertaken as part of the application. The Bord is referred to my assessment above for further information on this topic. The analysis undertaken predicts that the proposed development is likely to result in additional overshadowing of East Road and Church Road to the west during the mornings, Teeling Way to the north at various times of the day and Merchants Square to the east during the afternoons and evenings throughout the year. However, the proposed development is unlikely to result in any undue adverse impacts on buildings and amenity areas on lands surrounding the proposed site within the meaning of the BRE Guide. The impact of the proposed development on daylight access to existing residences in proximity to the site is predicted to range from “imperceptible” to “slight” to “moderate”. Having regard to the pattern of development in the area and to statutory planning policy for densification for the urban area, under a worst-case scenario, the impact of the proposed development on existing buildings in proximity to the site is predicted to be “moderate” in extent. The proposed development is unlikely to have a material impact on daylight access within buildings in the wider surrounding area.

I have considered all of the written submissions made in relation to microclimate-daylight/sunlight. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the 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 microclimate-daylight/sunlight impacts.

#### 14.3.12. Microclimate-Wind

Section 17 of the submitted EIAR deals with microclimate-wind. An appraisal of the likely impact of the proposed development on the wind conditions affecting pedestrian activities in areas within and surrounding the development was undertaken. Given the location of the site, the most common winds are stated to be from the southwest and west, while it is likely that easterly winds can occur due to the proximity of the site to Dublin Bay. The analysis reveals that the wind microclimate within the elevated podium and promenade will be suitable for all the intended purposes. However, it is anticipated that there will be areas within the proposed development where high-speed winds will occur. The location of such higher speeds have been identified in section 17.5, while mitigation measures are outlined within section 17.6. The analysis shows that the wind will be suitable for all intended purposes. In certain identified areas of the development, it is anticipated that the proposed mitigation measures will help alleviate distress where it may be encountered on occasion. Overall, the proposed development is likely to provide a comfortable and attractive environment for pedestrians and occupants.

I have considered all of the written submissions made in relation to microclimate-wind. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the 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 microclimate-wind.

#### 14.3.13. Material Assets-Services

Section 18 of the EIAR deals with Material Assets-Services. Potential impacts associated with the proposed development, if any, are assessed with regards to a number of built services including urban settlements; ownership and access; wastewater services; water supply; gas supply; electricity and telecommunication. Existing services are described, together with predicted impacts and mitigation

measures. It is concluded within this section that the proposed development will have a positive impact on the existing urban environment by creating a high quality mixed-use development which will respond to current housing need and cater to the needs of a growing population.

I have considered all of the written submissions made in relation to material assets-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-services.

#### 14.3.14. Material Assets-Waste

Section 19 of the EIAR deals with Material Assets-Waste. An assessment of waste management during both the construction and operational phase of the development was undertaken. It is stated that adherence to the site-specific Construction and Demolition Waste Management Plan during the construction phase will ensure that the effect on the environment will be short-term, neutral and imperceptible. An Operational Waste Management Plan has been prepared which provides a strategy for segregation at source, storage and collection of wastes generated within the development during the operational phase. Mitigation measures have been outlined and the predicted effect of the operational phase on the environment is stated as being long-term, neutral and imperceptible.

I have considered all of the written submissions made in relation to material assets-waste. 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-waste.



#### 14.3.15. Interactions

Section 20 of the submitted EIAR provides a summary of principal interactions 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.

#### 14.3.16. 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 proposed landscaping strategy which will use mix of appropriate species that will attract feeding invertebrates; will ensure no further invasive species introduced; clearance of scrub outside of nesting period; bird nesting surveys be undertaken.
- Land, soils, geology and hydrogeology impacts to be mitigated by construction management measures including minimal removal of topsoil and subsoil, reuse of excess material within the site; assessment for possible contamination; management and maintenance of plant and machinery.
- Hydrology impacts to be mitigated by management of surface water run-off during construction; to attenuate surface water flow and avoid uncontrolled discharge of sediment; appropriate interceptor drainage and diversion of run-off. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- Landscape (townscape) and visual impacts which will be mitigated by the establishment of solid perimeter fencing to restrict views into site during construction works; high quality landscaping proposals

- Archaeological impacts which will be mitigated by archaeological monitoring of ground disturbance works.
- Air quality and climate impacts which will be mitigated by dust minimisation plan
- Traffic and transportation impacts which will be mitigated by the management of construction traffic; mobility management plan; upgrading of East Road/Church Road/site access junction.
- Noise and vibration impacts which will be mitigated by adherence to requirements of relevant code of practice; location of compound away from noise sensitive locations; noise control techniques
- Microclimate-wind impacts which will be mitigated by use of landscaping; provision of wind screens
- Material Assets-Services impacts which will be mitigated by consultation with relevant service providers; final Construction Management Plan and Traffic Management Plan to be implemented; service disruptions kept to a minimum
- Material Assets-Waste impacts which will be mitigated by preparation of site specific C&DWMP

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.

## 14.4. Appropriate Assessment

- 14.4.1. An Appropriate Assessment, Stage 1 Screening Report was submitted with the application. It states that the site is urban in nature and with the exception of small pockets of vegetation, it is entirely occupied by hardstanding. There are no watercourses on, or connected to, the site and the nearest such features are the main channel of the River Liffey (c.550m to the south), the River Tolka Estuary (c.650m to the north) and the Royal Canal (c.450m to the west). There are 17 European Sites within a 15km radius of the site, with the nearest being approximately 750m to the north (South Dublin Bay and River Tolka Estuary SPA, Side Code: 004024). The attention of the Bord is drawn to Table 1 of the submitted AA Screening Assessment for a list of the relevant sites and their Qualifying Interests/Conservation Objectives.
- 14.4.2. The proposed development lies outside the boundaries of the Natura sites identified within Table 1 referred to above and therefore there will be no reduction in habitat nor will there be any fragmentation of any designated site. Therefore, there is no potential for cumulative effects of habitat loss or fragmentation to occur. The proposed development site is not under any wildlife or conservation designation and there are no rare, threatened or legally protected plant species known to occur within the site. The site has no key ecological receptors. No evidence of any habitats or species with links to European sites was recorded during any surveys/studies.
- 14.4.3. There is a potential surface water pathway between the development site and coastal European sites associated with Dublin Bay (approximately 1km away), via the local surface water drainage network. However, no significant impacts on water quality are predicted during the construction phase. The risk of contamination of any watercourse is extremely low and in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible to offshore European sites due to the distance involved and levels of dilution. At operational stage, the site is serviced by an existing surface water sewer located to the west of the site along East Road. The management of surface water for the proposed development has been designed to comply with the policies and guidelines outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and with the requirements of planning authority. The proposed development is designed in accordance with the principles of Sustainable Urban

Drainage Systems (SuDS). It is concluded within the submitted assessment there will be no likelihood of significant effects on any European sites during the construction or operation of the proposed development, in combination with other plans or projects. It is noted that water quality is not listed as a conservation objective for these designated sites within Dublin Bay. Significant effects are not likely to arise, either alone or in combination with other plans or developments that would result in significant effects on the integrity of the Natura 2000 network.

- 14.4.4. Based on all of the information before me and having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or developments on a European site.

## **15.0 Recommendation**

- 15.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established urban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a high quality development, with an appropriate mix of units and an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of the public open spaces will enhance the amenity of the area for both existing and future occupiers.
- 15.2. 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. Concerns raised in relation to the tower element of the proposal have been detailed above and this matter could be adequately dealt with by condition, if the Bord is disposed towards a grant of permission.
- 15.3. 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.

## 16.0 Reasons and Considerations

17.0 Having regard to the following:

- (a) the site's location close to Dublin city centre, within an established built-up area on lands with zoning objective Z14, which is to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and "Z6" would be the predominant uses' in the Dublin City Development Plan 2016-2022
- (b) the policies set out in the Dublin City Development Plan 2016,
- (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 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.

## 18.0 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 and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
  - (i) Omission of proposed Block D2/DT2 from the proposal. The applicant may re-apply to the planning authority for a revised design on this portion

of the site, which reflects the concerns of the An Bord Pleanála in relation to slenderness ratio, design and articulation. The omission of this block will result in a reduction of 88 residential units.

- (ii) Proposed render finishes to be omitted and replaced with a more durable finish, for example brick finish
  
- (iii) The men's shed shall be made available for use by the residents of the development and the wider community. Within three months of the first occupation of the development by residents, the management arrangements for this use shall be agreed with the planning authority. Any proposed change of use from men's shed shall be subject of a separate application for planning permission.

**Reason:** in the interests of visual impacts, quality standard of development and ensuring adequate provision of community space

3. The total number of residential units being permitted by this grant of permission is 466 no.

**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. The period during which the development hereby permitted may be carried out shall

be 5 years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development

6. 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) Pedestrian crossing facilities shall be provided at all junctions;

(d) 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,

(e) 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

(f) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point

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

7. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the



Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

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

8. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

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

9. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

Prior to the occupation of the ground floor units, the developer shall submit full details of the location and management of the area to be reserved for social, cultural, creative and artistic purposes. This area shall amount to 5% of the floor area of the permitted development and shall not include outdoor amenity space or childcare facility

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area

10. 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 amenity of property in the vicinity and the visual amenity of the area

11. Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates, security barrier or security hut at the entrance to the development or within the development in a manner which would prevent pedestrian access between the areas identified above

**Reason:** In the interests of social inclusion

12. 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.

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

13. 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 interest of protecting the environment and in the interest of public health.

14. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

15. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development

16. 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.

17. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

18. 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

19. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

21. 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 a demolition management plan, together with 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.

22. 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 interests of safety

23. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of Iarnrod Eireann in relation to this development

**Reason:** In the interests of safety and to ensure an orderly form of development

24. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

25. 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.

26. The developer shall pay to the planning authority a financial contribution in respect of extension of Luas Line C1 – Red Line Docklands Extension in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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Lorraine Dockery  
Senior Planning Inspector

18<sup>th</sup> September 2019

## **APPENDIX A:**

1. Iarnród Éireann
2. Tara Casey
3. Treasa Woods
4. Patricia and Bernard O'Callaghan
5. Patrick Melhorn
6. Peter McEvoy
7. Richard Coombes
8. Keith Fleming
9. Laragh Pittman
10. Linda Hynes and Neil Kelly
11. Nigel and Mary McGowan
12. John Lambert
13. Dorothee Meyer-Holtkamp and Carlos Bruen
14. East Wall Community Council
15. Helen and Matt McCabe
16. IAA
17. Bernie Fleming
18. Colette and Norman Hawkins
19. David and Sonia Conway
20. David McGrath
21. Anthony Grace
22. Antoinette Gahan
23. Anne and Joe Langrell
24. TII
25. Irish Water