



An  
Bord  
Pleanála

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

## Inspector's Report ABP-305345-19

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### Strategic Housing Development

Demolition of existing buildings and construction of 287 no. apartments, crèche and associated site works.

### Location

Lands adjacent to 'The Grange',  
Brewery Road/Stillorgan Road,  
Stillorgan, Blackrock, Co. Dublin.

### Planning Authority

Dun Laoghaire Rathdown County  
Council

### Applicant

KW PRS ACAV acting for and on  
behalf of its sub fund KW PRS Fund  
10

### Prescribed Bodies

Irish Water, TII, Department of  
Culture, Heritage and the Gaeltacht,  
An Taisce

**Observer(s)**

Ben Pearson, Brenda and Niall Murphy, Brid Carroll, Clare Hamilton, Deirdre Donnelly, Deirdre Gilbride, Desna Campbell, Donal Smith, Eco Advocacy, Eddie O'Sullivan, Eleanor Hickson, Eoin O'Connor, Fiona O'Connor, Graham and Michelle McDonnell, Hubert Mahony, Joseph and Mary Fitzgerald, Justine McCann and Ian Millichip, Lawrence Forrest, Mary Clarke, Michael and Jacqueline Curtin, Nora Kelly, Orla McHugh, Paddy Walsh and Lorraine Travers, Pat and Ann Coyle, Patrick Glennon, Paul Reddington, Richard Boyd Barrett, Ruairi and Tracey Kelleher, Sinead McAuliffe, Sinead McGorrian, Stephanie Mahony, Thomas William Clifford.

**Date of Site Inspection**

29<sup>th</sup> November 2019

**Inspector**

Una O'Neill

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## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board 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 1.8 hectares, is located, at the junction of Brewery Road and the N11/Stillorgan Road, Stillorgan, Blackrock, Co. Dublin. The site is located in a predominantly suburban residential area, well connected to Dublin City Centre, which is approx. 10km from the site. Stillorgan village is 1.2km to the northwest, a small neighbourhood centre is located 225m to the southwest and Sandyford Business Park, which is a large employment area, is located approximately 1.6km to the southwest. There is an existing footpath and cycle lanes on both sides of Brewery Road which connect southwest to the Sandyford Business Park and connect northeast into cycle lanes on both sides of the N11, which connects to Dublin City Centre. The Stillorgan Road/N11 comprises a quality bus corridor and is well served by buses. In addition the Luas Green Line is approx. 1.1km to the southwest of the site.
- 2.2. The site is a brownfield site, containing a number of vacant structures, and is located at the northwestern end of The Grange apartment development. The structures on site include a two storey office building, The Grange marketing suite, and No.s 2 and 3 Grange Cottages. No. 1 Grange Cottage is outside the site boundary and is occupied. There is also one modern residential dwelling, 'the gate lodge', which is located at the entrance to The Grange apartment development. All of the existing structures are to be demolished, with the exception of No. 2 and 3 The Grange Cottages.
- 2.3. The site is bounded to the north/northeast by the N11/Stillorgan Road, to the west by Brewery Road, and to the southwest by a public park adjoining Leopardstown Tennis Club. To the immediate east/southeast is an existing development known as The Grange, which is a mixed use commercial and residential development comprising of 506 apartments in nine blocks (ranging in height from four to ten storeys) and 1 no. commercial block fronting on to the Stillorgan Road (five storeys in height). A large

portion of the application site originally formed part of The Grange development. Vehicular access to the application site is from The Grange, with development proposed to the north and south of this access street. On the opposite side of the Stillorgan Road/N11 northeast of the site are seven storey apartment blocks. On the opposite side of Brewery Road to the west is Lawnswood Park, a residential development of two storey dwellings, with the rear gardens of Nos. 14 to 29 Lawnswood Park bounding the western edge of Brewery Road. The two storey houses at Brookvale (a protected structure, RPS No. 1428) and Dunstaffnage are the closest houses to the junction of St Brigid’s Church Road.

- 2.4. In terms of topography, Brewery Road is at a lower level than the site with the site rising up from Brewery Road. The existing residential dwelling/’gate lodge’ is on a level with Brewery Road, with the levels rising up as one traverses the access street into The Grange development. A large section of the boundary along Brewery Road comprises a high stone wall, as does the opposite site of Brewery Road, with this high wall indicative of the level differences of the adjoining lands.

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is for a ‘Build to Rent’ strategic housing development comprising the demolition of three buildings and the construction of 287 apartments in four blocks together with a childcare facility, a gym and residential tenant amenity space.
- 3.2. The following tables set out some of the key elements of the proposed scheme, as identified by the applicant:

Table 1: Key Figures

<b>Site Area</b>	1.8 ha
<b>No. of Residential Units</b>	<u>287 units in 4 Blocks:</u> Block H (7-11 storeys), 99 apts (6 x studio; 50 x 1 bed; 43 x 2 bed)  Block J (5-10 storeys), 75 apts (36 x 1 bed; 39 x 2 bed)  Block M (4-9 storeys from podium), 73 apts

	(38 x 1 bed; 35 x 2 bed) Block N (6-7 storeys), 40 apts (13 x studio; 1 x 1 bed; 26 x 2 bed)
<b>Childcare Facility</b>	Block P provides for a three storey crèche of c. 658 sqm with access to a roof top play area of c. 222.9 sqm.
<b>Tenant Amenity Space</b>	Approx. 916.5sqm, located at the basement and ground level of Block H comprising a gym, cinema room, kitchen/dining area, games room, management suite, 4 x meeting rooms, co-working space, large lobby area with seating, and access onto a private communal outdoor area.
<b>Density</b>	159 dwellings per hectare.
<b>Public Open Space</b>	c. 10,465 sqm.
<b>Height</b>	5 – 11 storeys.
<b>Part V</b>	29 units (11 studio units and 18 x 2 bed units) as part of a proposed leasing arrangement.
<b>Vehicular Access</b>	Existing vehicular access off Brewery Road, the alignment of which is to be reconfigured.
<b>Car Parking</b>	100 car parking spaces (0.35 spaces per unit): 84 at basement level under blocks H, J and M; 16 at surface level.
<b>Bicycle Parking</b>	596 bicycle parking spaces: 518 at basement level and 78 at surface level. 5 motorcycle spaces.

Table 2: Unit Mix

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>Total</b>
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<b>Apartments/Duplexes</b>	19	125	143	287
<b>As % of total</b>	7%	43 %	50%	100%

- 3.3. The applicant notes that the lands immediately adjoining the N11, which comprises no. 2 and 3 Grange Cottages are not proposed for development at this stage as no. 1 Grange Cottage is not within the applicant's control and is occupied, therefore this restricts a fully consolidated approach to development. It is stated that on this basis, the proposed development is considered phase 1 of the development of the lands, with potential in the future for a phase 2 including the area of the cottages. The applicant has submitted a potential layout for phase 2 in the form of a Masterplan to provide a context for potential phase 2 of development of 193 units for consideration by the Board. I note that this indicative Masterplan is not proposed to be developed as part of this application, therefore this assessment relates solely to the 287 units proposed and any future phase will be subject to a future application and full assessment. I note the proposed layout submitted as part of this application does not prejudice the development of the adjoining land in the future.
- 3.4. An EIAR has been submitted with this application.
- 3.5. An Appropriate Assessment Screening Report has been submitted, which concludes that there is no potential for likely significant effects on any European sites, therefore the proposed development does not require an Appropriate Assessment or the preparation of a Natura Impact Statement.
- 3.6. A childcare facility is proposed of c. 658 sqm with roof top play area of c. 222.9 sqm. It is stated that this facility will contribute to the existing The Grange development (506 units) which has no childcare facility, while also catering for the proposed development and any future phase.
- 3.7. A pedestrian link is proposed to the south into the existing public park. I note there is no connectivity at present between The Grange development and this park.
- 3.8. In terms of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer and public surface drainage network. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to

a valid connection agreement being put in place, the proposed wastewater connection to the Irish Water network can be facilitated.

- 3.9. A draft Deed of Covenant has been submitted with the application which stipulates that the apartments once completed will remain in residential rental accommodation for a period of 15 years.
- 3.10. Included with the application is a letter of consent from The Grange Lifestyle Services Ltd. confirming their consent to lodge a planning application for that part of the development which includes a portion of their lands (ie the eastern edge of the application site).

## 4.0 Planning History

There is a long history relating to the overall 'The Grange' development, adjoining the application site (which originally included the majority of the application site), as set out in the planning report which forms part of the submitted application documentation. The list of applications and amendments to same has resulted in the existing constructed development of The Grange comprising a stated 506 residential units.

The parent permission is:

D03A/0750 (PL06D.206308)

Permission GRANTED for mixed use scheme with 525 residential units in 9 blocks - noted that number of units reduced to 478 by condition.

The most significant application relating to the application site is as follows:

ABP ref PL06D.228499 (D07A/1771)

Permission REFUSED for 87 residential units in two blocks (5-9 storey over basement). Reasons for refusal related to scale, height, and inappropriate mix of uses, excessive density, overlooking, inadequate provision of public open space and failure to demonstrate the crèche facility could accommodate the proposal.

## 5.0 Section 5 Pre Application Consultation

### 5.1. Pre-Application Consultation



5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 10<sup>th</sup> May 2019, file ref ABP-304147-19 in respect of a proposed development for 268 residential units and a childcare facility on a 1.6ha site. The main topics discussed at the meeting were –

- Development strategy - layout, height, elevational treatment, open space provision and permeability/connectivity
- Visual and Residential Amenity
- Parking and transportation
- Drainage matters
- Any other matters

Copies of the record of the meeting, the Inspector's Report, and the Opinion are on available for reference on this file.

## 5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development. The opinion notification pursuant to article 285(5)(b) referred to specific information that should be submitted with any application, which is set out hereunder:

1. A report, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development on Brewery Road. Details should include rationale/justification for the heights and setbacks proposed; the interface between the proposed development and Brewery Road; boundary treatments; public realm and ground floor elevational treatments. Details should also be include of the relationship between the proposed heights and any future development on adjacent lands at the junction of the N11/Brewery Road
2. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the

relationship between the proposed development and adjoining residential development. Furthermore, landscape and architectural drawings that clearly detail the relationship between wind impact mitigation measures and the design of the proposed development shall be included.

3. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Details relating to the materiality of the proposed interface between proposed development and adjoining lands should be also submitted. Additional cross sections, CGIs and visualisations should be included in this regard.
4. A detailed phasing plan for the proposed development.
5. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
6. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in Appendix B of their Opinion.
7. Ecological Survey of existing trees and hedgerows which clearly identifies all trees/hedgerows proposed for removal.
8. Waste management details.
9. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). This report should specifically address proposed materials, finishes and detailing which seek to create a distinctive character for the development, avoiding blank facades, dead frontage and render and which provides for

active frontages and corners. The documents should also have regard to the long term management and maintenance of the proposed development.

10. A schedule of floor areas for all proposed units.

11. Site Specific Construction and Demolition Waste Management Plan.

Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, submitted as a standalone document.

### **5.3. Applicant's Statement**

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the specific information raised in the Opinion.

## **6.0 Relevant Planning Policy**

### **6.1. Project Ireland 2040 - National Planning Framework**

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### 6.1.1. **Section 28 Ministerial Guidelines**

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.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013) and as updated
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

#### 6.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

Dun Laoghaire Rathdown County Council is located within the Dublin Metropolitan Area. The Metropolitan Area Strategic Plan sets out a number of Guiding Principles for the sustainable development of the Dublin Metropolitan Area, including:

- Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in

other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

- Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of ‘BusConnects’, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.

### **6.3. Dun Laoghaire Rathdown Development Plan 2016-2022**

The subject site is governed by two zoning objectives:

- Zoning Objective A, which seeks to ‘protect and or improve residential amenity’
- Zoning Objective F, which is ‘to preserve and provide for open space with ancillary active residential amenities’.
- Map based objective: ‘to preserve trees and woodlands’.
- Section 2 – Sustainable Communities Strategy
- Section 8 – Principles of Development
- Appendix 3 - Building Height Strategy
- The site is within an area subject to a Section 49 Supplementary Development Contribution Scheme.

### **6.4. European Sites**

The site is not located within or adjoining a European Site.

### **6.5. Applicant’s Statement of Consistency**

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

## 7.0 Third Party Submissions

- 7.1. In total 35 submissions were received (including submissions from prescribed bodies, summarised hereunder under section 9). The majority of submissions were primarily made by or on behalf of local residents.
- 7.2. The submissions received may be broadly summarised as follows:

### Density, Design and Layout

- Density is excessive for the site.
- Phase 2 proposals highlights that the density is excessive.
- Height and scale is excessive given heights on Brewery Road and surrounds is primarily two storey. The proposal will be overbearing.
- Height excessive from Lawnswood Park, with proposed heights of 10 and 11 storeys, reaching 34-37m in height.
- Height should be no greater than 6-7 storeys to allow for a gradual transition.
- PA guidelines reference 6-7 storeys as a good example of building height.
- Village character being altered in a negative way.
- Block N will result in overdevelopment of the site.
- Apartments too small and not fit for purpose.
- Storage provision is poor.
- Recycling facilities inadequate.
- Part V provision will be too expensive and leasing not appropriate.
- Build to rent does not provide for elderly who want to downsize or cater for people wanting to get on the property ladder.

### Traffic, Transportation and Access

- Number of parking spaces proposed of 0.32 per apartment and 0.21 per room is inadequate. 8 of these are for car parking and visitor rental, reducing the number further to 0.29 spaces.

- Issues of off-street parking exist along Brewery Road, Leopardstown Road and the N11.
- Proposed crèche has a planned staff of 23 and only 8 parking spaces. Its not realistic that all those attending the crèche will be from the development given the unit mix.
- Brewery Road has major traffic congestion during rush hour.
- The access from Brewery Road is not safe.
- Scale of the development will add to congestion and safety concerns.
- Pedestrian access at Leopardstown Oak will result in people parking at Leopardstown Oaks and Leopardstown Gardens, particularly for crèche drop off.
- Proposed pedestrian access will affect quality of life and safety of existing residents, and waste management services not being able to gain access.
- Direct access to the park at Leopardstown Oaks should not be facilitated, especially during construction.

#### Impact on Amenities

- Negative impact on the natural and built environment.
- Negative impact on local residents during construction phase.
- Inadequate quality usable public open space provided for. Previous reason for refusal under PL06D.228499 (D07A/1771) is still valid.
- Childcare provision inadequate.
- Impact on local services, including school places and spaces on public transport.

#### Trees and Wildlife

- Loss of mature trees.
- Felling of 79 trees is at odds with the development plan.
- Any damaged trees including in the existing development should be replaced or removed.

- Alterations of ground levels will present greater risk to trees proposed to be retained.
- EIAR highlights loss of biodiversity with loss of trees.
- Insufficient survey work carried out in relation to bats.
- No bat survey carried out.

#### Drainage

- A stream runs underground down Brewery Road, alongside the proposed development. There is serious flooding of the stream and the development may have a disruptive impact on the stream.
- Justification test in Flood Risk Assessment is inadequate.
- No details given in relation to rainwater capture and storage.

#### Other Matters

- Site notices inadequate.
- Sound proofing of apartments unclear.
- Steps and disabled access.

## **8.0 Planning Authority Submission**

### **8.1. Overview**

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Dun Laoghaire Rathdown County Council has submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 29<sup>th</sup> October 2019. The report notes the policy context, site description, summary of proposed development, planning history, summary of submissions/observations submissions, summary of views of the relevant elected members of Dun Laoghaire Rathdown County Council and Chief's Executive's view on the effects on the proposed development, having regard to the development plan in place.

8.1.1. The Chief Executive's Report concludes that it is recommended that permission be refused.

### **8.1.2. Summary of Inter-Departmental Reports**



Housing Department: In the context of this being a Build to Rent development, the Part V compliance proposal is unsuitable. The applicant should be requested to submit an alternative Part V compliance. A long term lease option if proposed must include a number of parameters (as set out in the report).

Drainage Planning Report: Acceptable subject to conditions.

Waste Section: Conditions recommended.

Transportation Planning Section: Conditions recommended. The planners report indicates a report from the Transportation section states that the proposed level of reduction of car parking is not acceptable and does not provide for adequate car parking/car storage for the proposed residential use.

Parks Department: Concerns raised in relation to loss of category B trees, potential impact of the development on existing retained trees, lack of detail on the drawings in relation to tree replacement proposals, concerns in relation to the realistic retention of trees given results of soil samples and query over reuse of soil as proposed by landscape architect given issues with the soil quality. The quantity of usable open space and play provision. The connection into the nearby park does not have the permission from the current landowners of Leopardstown Oak Park. Conditions recommended.

#### **Summary of Views of Elected Members:**

- No community benefit of build-to-rent model.
- Lack of open space and need for more child friendly open space facilities.
- Low level of parking of concern. Proposal to use existing parking spaces in existing The Grange is a concern. Concern in relation to potential overspill parking.
- Lack of visitor parking is an issue.
- Sufficient cycle parking spaces for parents and staff required for the crèche.
- Indicative Part V costs are unrealistic.
- SHD process is flawed as proposals often contravene and contradict the county development plan, spatial strategy and regional strategies.

- Proposed traffic management arrangement is a concern (need for adequate signage and signalling) and increased traffic at this busy junction.
- A letter of consent would be required for a right of way to access Leopardstown Oaks Park that lies adjacent to the site.
- Rooftop play area for the crèche is inappropriate.
- The level of trees and hedgerows to be removed at 79 is a concern. These should be retained to protect the habitats and wildlife in the area.
- Density is too high and heights proposed are not appropriate.

### 8.1.3. PA Planning Analysis

The main points as set out in the planning analysis of the CE report are as follows:

Principle of the Development – Proposal in accordance with NPF and zoning objectives on the site.

Density – A density in excess of 50 units per hectare accords with national and county policy.

Building Heights and Scale – Dun Laoghaire Rathdown Development Plan comprises a Building Height Strategy. Section 3.3 acknowledges that height can be achieved on the N11 owing to its width, strategic importance, and public transport facilities. Upper modifier considered applicable in this instance. Apartment developments of 7, 8 and 10 storeys have been permitted on the N11. National policy context has been considered. While the height is in breach of county development plan height guidelines, the PA accepts there may be a valid rationale for the proposed building heights in a wider policy context. Principle of proposed height is acceptable. The heights have been carefully considered and the site can successfully absorb the heights proposed.

#### Layout and Permeability

The submitted landscape plans provides details of connectivity and permeability through the site. The PA report notes that the report from the parks section states that the connection into the nearby park with the proposed 'newpath' to the southwest of the site does not have the permission from the current landowners of Leopardstown Oak Park. The applicant's drawings indicate the removal of a fence

and provision of a 3.5m wide connection to the adjacent park. The applicant states they are not in a position to deliver any works outside the redline boundary. The PA raises concerns in relation to the deliverability of this link to the neighbouring area of open space.

#### Quality of the Residential Units

The report assesses the development against the Apartment Guidelines (2018) and all the relevant SPPRs are stated to have been met.

#### Communal Amenity Space, Children's Play, and Open Space

The open space provision is inadequate and the PA recommend a refusal on the issue of open space provision. If the Board are minded to grant permission, the PA requests the Board consider the omission of Block M (73 apartments), which would result in provision of 214 apartments at density of 119 units. While the open space meets national and development plan standards with regard to 10% being provided, it does not meet quantitative and qualitative requirements of the development plan. Given this is a high density development with a high occupancy rate, the requirements are higher than 10%. The PA considers the only area of open space is the central space, which is 2720 sqm. The development plan requires a provision of 6400sqm – 8600 sqm, given occupancy rates of this high density scheme. The lack of a guarantee to provide a link to the neighbouring open space could have provided a justification for the shortfall in open space within the site.

#### Compliance with SPPR 7 and Communal Facilities Proposed

The 961 sqm of resident support facilities and resident services and amenities is not sufficient. The management suite area is large and is intended for use by management only, with the gym and cinema room at basement level. The meaningfulness and usefulness of the amenity area is questioned and if the Board is minded to grant permission, it is suggested that the applicant be requested to consider improved residents amenity offering, given the shortfall in open space on the site.

#### Residential Amenity

No issues raised in relation to overlooking and loss of privacy outside of the site or within the site. Block N is set back approx. 44m from the rear of existing houses on

Lawnswood, with Blocks H and J approx. 65-68m away. There are no instances of direct overlooking involving separation distances of less than 22m within the development. There are appropriate separation distances between the blocks within the scheme.

In terms of overbearance, there is a distance of 24m between the development and Grange Cottage. The substation/Block Q is 10m from no. 1 Grange cottages and would not be visible from no. 1.

The development would not unduly impact on adjoining residents in terms of sunlight access or overshadowing.

In terms of daylight within the development, it is noted that no assessment was undertaken on the bedrooms. The Boards attention is drawn to this issue.

Kitchen/living room/dining rooms are BRE compliant.

In terms of external amenity areas, the PA has no concern regarding daylight and sunlight to Lawnswood Park or the Grange Cottage. The proposed central garden area meets BRE guidance. It is noted that the site's location and orientation relative to third party lands is favourable.

The impact of wind has been adequately assessed and will not have an undue impact on existing or future residents.

#### Transportation and Parking

0.32 spaces per apartment are proposed (down from 0.52 at pre app stage). The potential for overspill parking on the surrounding area is considered an issue and the PA consider the parking to be seriously deficient, notwithstanding the prevailing policy context of the Apartment Guidelines. The PA recommends refusal in relation to this issue.

PA does not accept applicant's argument that existing 100 spaces in the adjoining development in addition to 100 spaces proposed as part of this development would result in a parking ratio of 0.66 spaces per unit. This arrangement would be contrary to the permission on the adjoining site and existing residents would suffer a loss of available parking. Condition 10 of that permission required one space per unit and stated that these spaces 'shall not be sold or let independently of their residential units'.

Bicycle parking provision is acceptable. Provision of 597 spaces exceeds requirements for 573 spaces.

#### Trees and Japanese Knotweed

77 of the 108 trees on site are to be removed (33 category U, 13 category B and 13 category C). Landscape plan proposes to plant 472 trees, which include 261 semi-mature trees. Concern over potential loss of trees adjoining the park, lack of detail on drawing 204, and realistic retention of existing trees due to nature of the site and results of ground investigations as detailed in Chapter 7 of the EIAR.

A condition is recommended in relation to Japanese Knotweed.

#### Surface Water Drainage and Flood Risk

No objection to proposals, subject to conditions.

#### Childcare Facility

A crèche for 115 children is proposed, which is intended for new and existing residents. Proposal is acceptable to the PA.

#### Part V

It is proposed to transfer 29 units located in Block N for Part V. The Housing Department consider the proposal to transfer units unsuitable as the development is a build to rent model. A long term lease of on-site units or provision of off-site units would be considered. A condition is recommended relating to indicative market rents and discount of maintenance/management responsibilities.

#### AA and EIAR

ABP is the competent authority in terms of screening of the development and assessment of the EIAR.

A number of submissions raise issues in relation to the lack of a bat assessment on the site, as set out in chapter 6 of the EIAR. Given the level of trees and vegetation proposed for removal, input from the NPWS on the loss of habitat and impact on protected species is requested.

### 8.2. **Statement in accordance with 8 (3) (B) (II)**

Dun Laoghaire Rathdown County Council Chief Executive's Report recommends a refusal of permission on the issues of open space provision and deficiency in car parking, as follows:

1. Having regard to the size, design, and usability of the proposed open space it is considered that the proposed development would result in a substandard level of residential amenity for future residents and would therefore be contrary to section 8.2.8.2: Public/Communal Open Space – Quantity, 8.2.8.3: Public/Communal Open Space – Quality, and Policy UD (1) Urban Design Principles: Permeability of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Therefore, the proposed development constitutes overdevelopment of the subject site and would be contrary to the proper planning and sustainable development of the area.
2. The proposed car parking/car provision of 100 spaces to serve a development of 268 units and a crèche is significantly deficient by reference to table 8.2.3: Residential Land Use – Car Parking Standards of the 2016-2022 County Development Plan and is inconsistent with the relevant standards as set out in the Apartment Guidelines 2018. The proposed development would give rise to unacceptable levels of on-street parking and overspill in the surrounding areas. The proposed development would therefore seriously injure the amenities of the area and endanger public safety by reason of traffic hazard and obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area. Furthermore, the proposal to offset the shortfall against spaces in the basement car parking of the existing adjacent apartments is neither workable nor consistent with the terms of the original permission.

While the PA strongly recommends refusal, it states that if ABP is minded to grant permission, the following conditions are recommended. The PA notes that in previous cases that sometimes specific technical conditions recommended by the PA are replaced with generic conditions referring to the requirements of the PA/Council and states that it would be helpful if the Board, in those instances would tie them back to the requirement as set out in the reports of the technical department in the interest of clarity and for the avoidance of doubt.

Some of the conditions proposed are summarised hereunder:

C2: Condition in relation to covenant for BTR.

C4: Block M to be omitted, to comply with open space requirements.

C5: Units 6 and 7 in Block J are to be replaced with additional residential support facilities and resident services and amenities.

C6: External finishes to be agreed.

C10: Phasing schedule. Residential support facilities and resident services and amenities to be completed and available to use no later than the occupation of the first 50% of the residential units within the scheme.

C14: Japanese Knotweed.

C16, C17, C18: SuDS.

C26, C27, C31: Travel Plan Coordinator.

C35 – C40: Trees and Landscape Plan

C41: Section 48 contribution.

C42: Contribution for extension of Luas Line B from the Sandyford Depot to Cherrywood.

## 9.0 Prescribed Bodies

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

- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- Coras Iompair Eireann
- Dun Laoghaire Childcare Committee

ABP further circulated the application to the Department of Culture, Heritage and the Gaeltacht. Submissions were received from IW, TII, An Taisce, and the Department of Culture Heritage and the Gaeltacht.

The following is a summary of the points raised in the submissions made:

Irish Water: No objection.

Department of Culture, Heritage and the Gaeltacht: Conditions recommended in relation to an Invasive Species Management Plan, use of native Irish wildflower species, timing of removal of trees and shrubs, and implementation of mitigation measures proposed in relation to bats as set out in the EIAR.

TII: Submission refers to the DOECLG Spatial Planning and National Roads Guidelines and refers to Section 49 Luas Line Levy.

An Taisce: The bus network, particularly the lines along the Stillorgan Road are operating over capacity with full buses frequently needing to pass over stops. Prior to the implementation of Bus Connects along Stillorgan Road, ABP should ensure that the subject proposal is properly phased with the provision of enhanced public transport to ensure that the proposal does not exacerbate car dependency in an already highly congested area of Dublin.

## 10.0 **Assessment**

### 10.1. **Introduction**

- 10.1.1. I have examined all the documentation before me, including, inter alia, the Record of Section 5 Consultation Meeting, Inspector's Report at Pre-Application Consultation stage and Recommended Opinion, the Notice of the Pre-Application Consultation Opinion, the Chief Executive report from the Planning Authority and all submissions received. I have visited the site and its environs.
- 10.1.2. I have carried out a planning assessment, an Environmental Impact Assessment and Appropriate Assessment Screening in respect of the proposed development. Each section of the report is structured to guide the Board to the relevant section of the EIAR, AA, relevant policy, substantive issues raised in the submissions/observations, and the applicant's submission, as appropriate. Where there is overlap, I have cross-referenced sub-sections of the report as appropriate.
- 10.1.3. I consider the main issues relating to this application are as follows:
- Principle of Proposed Build to Rent Development



- Density and Housing Mix
- Layout and Design
- Impacts on Amenity
- Traffic, Transportation and Access
- Water Services
- Appropriate Assessment
- Other Matters

These matters are considered separately hereunder.

## 10.2. Principle of Proposed Build to Rent Development

- 10.2.1. The site is governed by two zoning objectives, namely, Zoning Objective A, which seeks to ‘protect and or improve residential amenity’ and Zoning Objective F, which is ‘to preserve and provide for open space with ancillary active residential amenities’. In addition there is a map based objective: ‘to preserve trees and woodlands’.
- 10.2.2. Having regard to the nature and scale of development proposed, namely an application for 287 residential units located on lands within zoning objective ‘A’, in which residential development is ‘permitted in principle’ and with open space proposed on lands zoned F, 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 and is acceptable in principle.
- 10.2.3. The attention of the Board is drawn to the fact that this is a Build to Rent Scheme. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent (BTR) and Shared Accommodation sectors. The guidelines define BTR as ‘purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord’. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity.

- 10.2.4. I note a number of submissions contend that the BTR model is not suitable for this site, it does not provide a step down option for older people and does not provide additional houses to the market for purchase. The applicant has submitted a Build to Rent Justification Report and I note the contents thereof. I consider the proposal will provide a viable housing solution to households where home-ownership may not be a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland. Having regard to the location of the site in close proximity to the city centre and to employment centres, along the N11 beside excellent public transport facilities, and in an area with sufficient services and amenities, I am satisfied that a Built to Rent scheme is suitable and justifiable at this location.
- 10.2.5. I refer the Board to the provisions of Specific Planning Policy Requirement 7 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018. The public notices, as required, refer to the scheme as 'Build-to-Rent' and a draft deed of covenant has been submitted. The applicant indicates that they are willing to accept a condition requiring that the residential units remain in use as BTR accommodation, that no individual residential unit within the development is to be disposed of to any third party for a period of 15 years.
- 10.2.6. In terms of resident support facilities and resident services and amenities required under SPPR7, I note the development provides for residential amenity space, located at the basement and ground level of Block H, approx. 916.5sqm, comprising a gym, cinema room, kitchen/dining area, games room, management suite, 4 x meeting rooms, co-working space, large lobby area with seating, with access out onto a private communal outdoor area.
- 10.2.7. The Planning Authority (PA) raises concerns in relation to the scale of residential support facilities and services and amenities. The PA note the management suite area is large and is intended for use by management only and that the gym and cinema room are at basement level. The meaningfulness and usefulness of the amenity area is questioned and if the Board is minded to grant permission, it is suggested that the applicant be requested to consider improved residents' amenity offering, given the shortfall in open space on the site.

10.2.8. I note that the management suite area is approx. 64sqm out of the 916sqm proposed and that this type of use of space comes within what the guidelines envisage as part of the support facilities for residents. I note the location of the gym and cinema is not in a full basement given the levels with an external window provided to the gym. Nonetheless these are uses which in my opinion can be satisfactorily located at a basement level. In my opinion the proposed residential support facilities, services and amenities for this BTR scheme are acceptable in terms of both location and scale and the connection to a private outdoor space contributes further to their amenity value and usability. While the amenities are concentrated in one building, I consider the facilities easily accessible to all. I consider the floor area assigned to such resident support facilities/services/amenities to be on a par with what one would expect for a development of this scale. In my opinion, the development is providing for sufficient facilities.

10.2.9. SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply and therefore the unit mix is considered acceptable, including the extent of one bed units. Flexibility also applies in relation to the provision of a proportion of storage and private amenity spaces associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The proposal in this instance is generally consistent with the requirements of the Apartment Guidelines.

10.2.10. I consider that any subsequent extension of use of the subject accommodation as BTR beyond the 15 years should be agreed with the planning authority prior to the expiration of the covenant, or any proposal to alter the tenancy type should be subject to a further planning application so as to allow further assessment of residential amenity associated with the subject units or suitability of the scheme for any other purpose that may be proposed in the future.

### 10.3. **Density and Housing Mix**

10.3.1. The proposed development has a density of 159 units per hectare, based on a site area of c. 1.8ha and the provision of 287 units.

- 10.3.2. Concerns have been raised in submissions in relation to the density and scale of development.
- 10.3.3. 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. 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. 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. The Apartment Guidelines 2018 recognise that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector.
- 10.3.4. I am of the opinion that given its zoning, immediate context, and location, the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland’s cities to be provided within the existing urban envelope (Objective 3b). The site is located in an intermediate urban location as defined by the Apartment Guidelines 2018, where high density apartment developments are supported. 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.

#### 10.4. **Layout and Design**

- 10.4.1. The proposal involves the demolition of an existing vacant two storey office building, an old marketing suite associated with The Grange development, and a ‘gate lodge’ which is a two storey dwelling at the entrance to The Grange. It is not proposed to

demolish or carry out any works to no. 2 and no. 3 Grange Cottages, but to improve the setting of these buildings through landscaping proposals. Cottage no. 1 is outside the application site.

10.4.2. It is proposed to construct four blocks of 287 apartments and a three storey crèche with a rooftop garden. One block (Block N) is located at the entrance to The Grange development, on the south side of the access street, with the three storey crèche also located on the southern side of the access street, on a triangular shaped section of land, beside an existing nine storey apartment block. The remaining three blocks of apartments are located north of the access street, with Blocks H and J positioned with frontage along Brewery Road and Block M positioned within the site/bounded by the existing 6 storey office/residential block to the east and an existing 10 storey apartment block to its south. A single storey substation block is proposed to the rear of no.s 2 and 3 Grange Cottages and north of Block J. It is noted that the substation is 10m from inhabited cottage no. 1 and is 1.05m above the ground level of the cottage, therefore it will not be dominant.

10.4.3. The proposed development removes the existing high boundary wall along a large section of Brewery Road, with proposed blocks N, H and J addressing Brewery Road. The boundary of the site is to be open to the street (with the exception of a retained low boundary to building N), and buildings H and J are indicated to be set back 14-15m from the footpath edge. Immediately adjoining these buildings will be a privacy strip to the apartments, a landscaped area with pedestrian access into the scheme at specific points, and a tree lined edge to the footpath. The manner in which the development addresses Brewery Road and the quality of the landscaping along this boundary is in my view a significant improvement to the existing context, with improved levels of overlooking, passive surveillance and permeability between the public realm and the proposed development. I note there are level differences between Brewery Road and the development, with steps proposed to facilitate access. Concerns have been raised in submissions in relation to accessibility issues given the level differences with Brewery Road, the N11, and the existing development. The applicant has addressed this issue in the document setting out the response to the pre application opinion. I have examined the routes proposed. The main access to the site from Brewery Road is part M accessible, the two other pedestrian entrances require steps, with lift access from Brewery Road. The open

space across the site is accessible (having been dropped by 2m from the proposal at pre-application stage) and steps with a lift are proposed to existing open space in The Grange. A graded zig-zag access is provided from the N11 in addition to a more direct pedestrian access. I am satisfied with the rationale of the approach put forward by the applicant and accept the design solutions proposed.

- 10.4.4. In terms of permeability across the site, the three larger blocks, located on the main body of the site, are arranged around a central landscaped garden which has a north-south central pedestrian pathway. An east-west pedestrian pathway is also proposed north of Blocks J and M, traversing the site with an access from Brewery Road across to an access from the Stillorgan Road. The site is fully connected for pedestrians/cyclists with The Grange development and with the surrounding road network.
- 10.4.5. There is a park to the south of the site. At present a green mesh fence and planting blocks the existing development from accessing this park. The planning authority at pre planning stage requested the applicant to deliver a link south to this park, which it considers of importance to the development. I agree that such a direct connection would be highly desirable and would improve permeability of the site. The submitted landscape plans indicate the removal of a fence and provision of a 3.5m wide connection up to the adjacent park, with the path indicatively shown to continue into the park. The applicant states that the fence is within the red line boundary of the site, but any works within the park, such as the indicative path are not. The applicant states that this will be a 24/7 link, however, due to ownership, further discussions will need to be held with Dun Laoghaire Rathdown to finalise the connection within the legal park boundary. The PA raises concerns in relation to the deliverability of this link to the neighbouring area of open space as a report from the parks section states that the connection into the nearby park with the proposed 'newpath' to the southwest of the site does not have the permission from the current landowners of Leopardstown Oak Park. It would appear the park is maintained by the council, but the ownership is not stated. I note under the parent permission legal issues were identified in the planners report in relation to the ownership title of the park. A connection from the proposed development to the existing park, which is zoned open space, would be highly desirable and beneficial to this development as well as to existing residents and improve permeability in the wider area, including to the

neighbourhood centre to the south. I am satisfied that the applicant has indicated that they can provide for a path up to the boundary and remove a part of the boundary. Amendment to the path in the park is not within the remit of the applicant to undertake. I would note that any potential legal issues arising, given reference to same within the parks department report, are not a matter for the Board to resolve and I would draw the Board's attention to Section 34 (13) of the Planning and Development Act, 2000, as amended, which states that a person shall not be entitled solely by reason of a grant of planning permission to carry out development on land where they have no sufficient legal interest.

10.4.6. I note concerns raised in submissions in relation to the contention that the proposed link through the park would result in negative impacts on the existing residential estate to the south in terms of amenity and potential increase in parking as a short cut to the application site. However, on balance, I consider the proposed link would ultimately be positive for existing and future residents of The Grange as well as for the surrounding area, giving improved access for all to the adjoining neighbourhoods, and services, including the network on the N11. Any potential adverse impacts arising through parking is a matter which could be addressed by the local authority.

10.4.7. Overall I consider the layout of the scheme to be acceptable.

10.4.8. In terms of the height strategy proposed, the blocks rise in height in the centre of the scheme and drop in height toward the northern end and southern end. Block N, which adjoins the entrance to The Grange is 7 storeys, with the 7<sup>th</sup> floor set back from Brewery Road. Block H is located to the northern side of the entrance and is L shaped, comprising two interconnected blocks, with the longer block orientated toward the access street into The Grange having a height of 11 storeys and the other block orientated onto Brewery Road comprising 8 storeys. Block J, north of Block H, comprises two interconnected blocks, with the northern block stepped back further from Brewery Road. Block J rises to 10 storeys north of Block H and then drops down in height to 5 storeys at the northern end. Block M, which is positioned between Block J and two of the existing blocks within The Grange development, comprises two interconnected blocks with the southern block 10 storeys in height (the same as the existing apartment block south of it) and the northern portion, which

is on an alignment with Block J) is 6 storeys in height, as is the neighbouring office/residential block.

10.4.9. I note the concerns raised in relation to height of the proposed development along Brewery Road and concerns overall in relation to the visual impact of the development on the wider area. I also note the separation distances involved between the development and the rear gardens of Lawnswood are a minimum of 40m with greater distances of 48m up to 74m when measured between the rear of the dwellings and the proposed apartment buildings. Given the separation and level differences involved along Brewery Road, in addition to the locational context of the site adjoining the N11/Stillorgan Dual Carraigeway where there are a number of higher buildings, including adjoining and opposite the appeal site, in addition to development plan policy which supports 'upward modifiers'/taller buildings along the N11 and proximity of the site to high quality public transport, I consider the proposed height and scale of the development is acceptable.

10.4.10. I am cognisant also of national policy in this regard, in particular Urban Development and Building Heights, Guidelines for Planning Authorities (2018), which sets out the requirements for considering increased building height in various locations and recognises the need for our cities and towns to grow upwards, not just outwards in order to deliver compact sustainable growth. I consider the site to be located in an inner suburban area close to Dublin City Centre at an accessible location benefitting from high quality public transport and amenities in an existing serviced area and within walking/cycling distance to the city centre and employment zones to the southwest via established cycle routes. The proposal in my view integrates successfully with the wider scheme in terms of design and layout, has had due regard to its immediate context, and contributes to the public realm and character of this developing area. Having regard to all of the above, I consider the site has the capacity to absorb a development of the nature and scale proposed and the design, height and layout are in my view acceptable.

#### Unit Mix

10.4.11. The proposed unit mix is for 7% studio apartments, 43% one bed, and 50% two bed, which is acceptable. The nature of the BTR scheme and the provisions of SPPR8 in this regard are noted. The proposed mix would lead to a good population



mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual.

#### Part V

10.4.12. I note the applicant proposes within the documentation to accommodate part V on the site. The housing section of the local authority note the part V proposals are not suitable given the Build to Rent form of development and requests alternative compliance proposals to include long term lease of units on site or the provision of units off site. This matter can be addressed by way of condition.

#### Open Space

10.4.13. The guidelines Sustainable Residential Development in Urban Areas states that for large infill sites or brown field sites, public open space should generally be provided at a minimum rate of 10% of the total site area.

10.4.14. The document Design Standards for New Apartments 2018 states that communal amenity space should be accessible, secure and usable with a high priority for families with young children and for less mobile older people. Communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. In accordance with SPPR8, in BTR development, flexibility shall apply in relation to the provision of all of the communal amenity space, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development.

10.4.15. Open space is provided in this development by way of a central open space/communal garden (2720sqm) located between Blocks H, J and M, with a direct pedestrian pathway through the centre, linking from the existing access street south of Block H, up through the development site. A secondary area of open space, primarily linear in form, is indicated to the south of Block M, to the east of Block M and a strip along the south/southeastern edge of Block H (1907 sqm). A perimeter area of planted open space (5837 sqm in area) is indicated along the boundary with Brewery Road. An ancillary area of open space, intended to be developed in the future, adjoins the N11 (2431 sqm). The zoned public open space on the site is located adjoining the entrance to the development between Brewery Road and Block H, to the east of Block N and to the south of the crèche and accounts for 2097 sqm.

10.4.16. 10% of the site area equates to a requirement of 1816.3 sqm public open space. The communal open space requirements, as per the Design Standards for New Apartments 2018, is 1702 sqm. The central open space area (2720 sqm) and the secondary open space area (4627sqm), result in a total area of 7347 sqm. I note also the provision of alternative communal support facilities and amenities within the development and proximity to the park and outdoor tennis courts south of the site. I consider the design and layout of the open space overall acceptable in terms of meeting the needs of future residents, while also being accessible to the wider area by virtue of the permeable nature of the layout.

10.4.17. I consider that the quality of the open space proposed is high and while not meeting development plan standards in terms of space per person, the space is accessible and usable. The central communal area in terms of design is broken into three small blocks of green to the west of Block M, the northern block indicated with seating and grass, the mid-block indicating a play area with play equipment proposed for young children and the southern block indicated as a nature play area. Adjoining this area, on the opposite side of the central pedestrian path/to the east of Block J are two blocks of open space, the northern section being the larger block with the southern section more linear in form. The northern section is bisected by a pathway. I consider a pathway around the perimeter of this space with seating would be sufficient, with this block having the potential to be a small kickabout area/informal picnic area/grassed area for residents' use, which would be of more benefit without the pathway bisecting it, given the limited availability of blocks of open green space within the centre of the development. To the east of Block M is a linear green area indicated with planting, a pedestrian path, and fitness equipment. I note one piece of fitness equipment is also indicated along the path east of the crèche, which links in with an existing path along the southern boundary of the existing apartment development. The proposed fitness trail is a positive addition to this development, which will also benefit existing residents. The type, location and number of pieces of equipment proposed should be developed in more detail in consultation with the planning authority. This issue could be addressed by way of condition. I note that the western open space with the boundary of Brewery Road is not usable open space and I have not calculated it as such as it is more for passive amenity purposes, however, I note it will make a significant contribution to the public

realm at this location. While the PA recommends a refusal on the basis of inadequate size, design, and usability of the proposed open space, I consider the overall quantity, quality, design and layout to be acceptable. Furthermore, the applicant has proposed a direct connection from this site south into the abutting existing park and adjoining Leopardstown Tennis Courts. I note the parks department report which questions the lack of consent from the owner of the park to create this entrance, however, in the worst case scenario, this park is a 350m/5 mins circuitous walk from the application site, and remains a positive amenity resource in close proximity to the site.

- 10.4.18. Given the level of amenity in the area, in addition to the high quality landscaping proposed and additional communal facilities within Block H, I consider the proposed open space will adequately serve future residents and is acceptable and I do not consider the omission of Block M, as suggested by the PA to improve open space provision, is warranted.

#### Landscape Plan and Biodiversity

- 10.4.19. A landscape plan and associated drawings have been submitted with the application, as has an Arboricultural Assessment.
- 10.4.20. Concerns have been raised in submissions in relation to the loss of trees on site, the resultant impact on biodiversity and the lack of a bat survey.
- 10.4.21. As noted in the PA submission, 77 of the 108 trees on site are to be removed (33 category U, 13 category B and 13 category C). The landscape plan submitted by the applicant proposes to plant 472 trees, which include 261 semi-mature trees. Concern was raised by the PA over potential loss of trees adjoining the park, lack of detail on drawings submitted, and realistic retention of existing trees due to nature of the site and results of ground investigations detailed in Chapter 7 of the EIAR.
- 10.4.22. A submission from the DAU of the Department of Culture, Heritage and the Gaeltacht notes the number of nesting birds on site and the number of trees to be removed, with a recommendation for a condition in relation to the timing of tree and shrub removal from the site. The submission further notes that the seed mix proposed to be used on site is not all native Irish and a condition in this regard is recommended.

10.4.23. Section 11.6 of my report hereunder refers to biodiversity, which is addressed in chapter 7 of the submitted EIAR. I note the loss of trees proposed, however I consider the landscaping plan proposes to mitigate such loss through significant additional planting. I further note issues raised in relation to retention of trees and lack of details on the plans. I consider this issue could be adequately addressed by way of condition, should the Board be minded to grant permission. I note that a bat and bird survey was undertaken on the site (as detailed in chapter 7 of the EIAR). The submission from the DAU of the Department of Culture, Heritage and the Gaeltacht notes the mitigation measures proposed in the EIAR in relation to bats and recommends all mitigation measures be implemented in full. I am satisfied that the information submitted in relation to bats is adequate and the mitigation measures as set out in the EIAR are appropriate.

#### Japanese Knotweed

10.4.24. An Outline Invasive Species Management Plan has been submitted with the application which notes that 'Japanese knotweed was widespread across the development and the infestation was deemed to be vast'. This species is listed in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011, which includes non-native species subject to restrictions. The plan recommends that the most appropriate method of dealing with the infestation is the excavation of infested soils to a depth of at least 5m and its disposal off site under licence from the NPWS. A submission from the DAU of the Department of Culture, Heritage and the Gaeltacht notes that a full Invasive Species Management Plan is required for the site and recommends a condition in this regard.

10.4.25. Given the infestation is widespread, given the level of soil required to be removed, in addition to the findings as set out in the EIAR of asbestos in the soil of the site, I consider a revised landscaping plan may be required, specifically with regard to the trees to be retained. These issues can be addressed by way of condition should the Board be minded to grant permission.

#### Private Open Space

10.4.26. Private open space is provided by means of balconies/patios to all units, with the guidelines stating a requirement of 4sqm for a studio, 5sqm for a one bed, and 6 sqm for a two bed. All units are in compliance with the standards.

## Childcare Facility

- 10.4.27. The childcare guidelines states that 1 childcare facility with a minimum provision of 20 spaces is required per 75 dwellings. The Apartment Guidelines 2018 indicate that notwithstanding these requirements, a more specific analysis should be undertaken for apartment developments, having regard to the scale and unit mix of the proposed development. One bedroom or studio type units are not considered to contribute to a requirement for any childcare provision.
- 10.4.28. A childcare facility is proposed of c. 658 sqm and roof top play area of c. 222.9 sqm, which is stated will cater for 115 children. It is stated that this facility will contribute to the existing The Grange development which is lacking in childcare provision, while also catering for the proposed development and any future phase.
- 10.4.29. I note a 500 sqm crèche was previously permitted at this location under a parent permission for the overall development and was never constructed. The existing development is stated by the applicant to now comprise 506 residential units.
- 10.4.30. A Community Audit has been submitted and assesses the scale of childcare facility required on the basis of the existing permitted development, proposed development subject on this application and assumption of an indicative phase 2 of 193 units (with indicative breakdown of number of studio, one, two and three bed apartments).
- 10.4.31. I note the number of two bed units proposed as part of this development is 143 (discounting studio and one bed units). I note the applicant discounts 137 one bed units in the existing development and bases their assessment on existence of 309 two bed units and 60 three bed units, ie a total of 369 units in the existing development, with an assumption added in on the basis of the childcare guidelines that 50% of this figure will require a childcare space.
- 10.4.32. I consider the applicant's proposed childcare facility for 115 spaces (658 sqm in area) to be acceptable in terms of size and location for this development and having regard to the existing development. However, with regard to any future phase of development, a childcare demand assessment will be required as part of any new application to ensure the needs of the next phase of development are met.

## 10.5. Impacts on Amenity

### Impact on Neighbouring Houses and Apartments

- 10.5.1. The potential impact of the proposed development on the residential amenity of neighbouring properties has been raised in submissions. Concerns have been raised, *inter alia*, in relation to scale and height of the development and resultant impacts on overlooking, overshadowing, loss of light, impacts on privacy and overbearance.
- 10.5.2. The applicant has submitted a visual impact assessment (see section 11.8 of my report) looking at various views of the proposal from outside the site, a Daylight and Sunlight analysis (see section 11.7 of my report), and a report in response to the ABP opinion at pre-application stage which examines the impact on Brewery Road, Lawnswood Park, and relationship with the existing residential apartments in The Grange. A Noise Analysis report has also been submitted, given the level of traffic on Brewery Road and the N11/Stillorgan Road.
- 10.5.3. Given separation distances to Lawnswood Park from the development of between 44m and 68m between the buildings and the existence of the existing landscaping and proposed landscaping on Brewery Road, I do not consider the proposal will have an overbearing impact on the existing residential context of these dwellings or result in significant overlooking or loss of privacy. While there will a significantly changed outlook for existing residents in The Grange, this is to be expected within a developing area such as this and I do not consider the outlook will be particularly overbearing given the design and separation distances of 22m-25m. The greatest impact in terms of outlook will be to no. 1 Grange Cottage, however, this is a developing urban context and the development has mitigated in so far as it can reasonably be expected potential impacts on this property in terms of outlook, overlooking and overshadowing, with the development set 24m-32m from the dwelling itself, with the blocks closest to this dwelling being lower in height and no direct windows overlooking the property from the rear. The immediate context of no. 1 will be improved with the proposed cleaning up of the area around this dwelling and the temporary landscape plan proposed to the immediate east and south of the dwelling.

- 10.5.4. I acknowledge there will be some overshadowing as indicated on the submitted images, however, the overall level of impact as demonstrated in the submitted documents, is not in my view so significant as to warrant an amendment to the scheme. Having regard to the separation distance between the blocks and neighbouring properties, including Lawnswood Park, the existing apartment blocks and no. 1 The Grange Cottage, I consider the impact in terms of sunlight and overshadowing to be acceptable and the proposal will not in my view significantly impact on sunlight/daylight.
- 10.5.5. Overall, 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 to the impacts on amenity of properties in the vicinity. I have no information before me to believe that the proposal, if permitted, would lead to devaluation of property in the vicinity.
- Amenity of Future Occupants – Design Standards for New Apartments 2018
- 10.5.6. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed 287 apartments must comply. Schedules were submitted to demonstrate compliance with the standards. The schedules are overall consistent with the drawings with apartment sizes in line with the standards set out in the guidelines.
- 10.5.7. A Housing Quality Assessment is included with the application. The floor areas of the apartments meet or exceed the required provision in all instances, therefore complying with SPPR 3. 50.9% of the apartments are dual aspect and are therefore in compliance with SPPR 4, where 50% are required to be dual aspect. The statement of consistency indicates that all the proposed units are in compliance with the ministerial guidance, Sustainable Urban Housing: Design Standards for New Apartments, 2018.
- 10.5.8. SPPR 5 states ground level apartment floor to ceiling heights shall be a minimum of 2.7m, which is the case in the apartment blocks proposed.
- 10.5.9. A Building Lifecycle Report, as required by the guidelines, has been submitted

10.5.10. Car parking provision is considered acceptable, which has been discussed in more detail elsewhere in this report.

10.5.11. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

10.5.12. Within the Daylight/Sunlight report, a selection of the proposed apartments were examined. It is stated that all meet the minimum required Average Daylight Factor of 1.5% for living room, 2% for kitchens. I note that bedrooms were not examined, however, having regard to the methodology proposed and having regard to the overall layout and design of the proposal, I have no concerns in this regard. I accept the findings of the report.

10.5.13. Within the Housing Quality Assessment submitted the applicant identifies a number of north facing single aspect units (ie N, NW and NE as defined by the guidelines). I note the number of such units overall are minimal in the context of the scale of the development and given the overall design, location and context of the scheme, are considered acceptable. However, I note with regard to Block J, 4 one bed apartments (45.8sqm), namely units 01-01 on the first floor and the corresponding units above, ie units 02-01, 03-01, 04-01 are particularly poor in terms of their location, orientation and design within the block, being single aspect NE facing, in a corner with limited daylight potential and extremely poor outlook. The units at Level 05 up to Level 08 have an improved outlook in that the adjacent northern arm of this block ceases at level 05, albeit they are still northerly facing with a recessed living room and balcony. Should the Board be minded to grant permission, I recommend that units 01-01 to 04-01 inclusive be omitted in the interests of residential amenity and the resultant floor space be incorporated within the adjoining units.

10.5.14. In conclusion, 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, subject to conditions, and the proposal if permitted would be an attractive place in which to reside.

#### Construction Phase Impact

10.5.15. I note the proposed construction hours are 0800-1800 Mon to Fri and 0800-1600 on Saturday. The PA is satisfied with this proposal. Deviation from these times



will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site. While there will be a noise impact on the adjoining residential area, construction impacts are temporary in nature and the application must follow building regulations standards in relation to noise generation. The impact of noise has been considered in detail in the EIAR and mitigation measures proposed.

## **10.6. Traffic and Transportation**

- 10.6.1. A Traffic and Transport Assessment was submitted with the application, a DMURS Statement of Consistency and a Quality Audit inclusive of Stage 1 Road Audit.
- 10.6.2. The proposed development has frontage onto the N11 and Brewery Road, with vehicular access to the subject site being from Brewery Road. It is proposed to realign the existing access to the development and provide for two lane egress from the site. I refer the Board to section 11.12 of my report hereunder.
- 10.6.3. Baseline traffic data was gathered and junction surveys carried out at three junctions in the vicinity of the site, at N11 Stillorgan Road/Brewery Road/Farmleigh Avenue (Junction 1); N31 Brewery Road/St. Brigids Church Road (Junction 2); and N31 Brewery Road/Site Access (Junction 3). Bus routes, included proposed Bus Connects upgrades are noted as is the location of the Luas c. 1km southeast of the site.
- 10.6.4. The TTA for the site concluded that the reconfigured access junction from Brewery Road will operation with sufficient capacity in the future design year, as will all other junctions.
- 10.6.5. The Stage 1 Road Safety Audit submitted with the application raises concerns in relation to a number of matters, including cyclist access to the basement area where a significant number of bicycles are provided for, insufficient room in the Brewery Road carriageway at present to accommodate waiting vehicles without obstructing traffic, lack of space and visibility from the site for the proposed two lane egress proposed and lack of space for cyclists in such an arrangement, geometry of access is restrictive for emergency vehicles. These issues, alongside a number of other issues, were reviewed with the applicant with agreement to review all matters raised

at detailed design stage. The transportation department report from the PA recommends a number of conditions including a stage 3 road safety audit and toucan crossing of Brewery Road. Conditions are recommended to address issues raised.

10.6.6. Given the location of the site within an urban area on zoned lands, where some traffic congestion is to be expected, and overall given the low level of car parking proposed on site, I do not have undue concerns in relation to traffic generation or congestion. 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 excellent public transport and existing cycle as well as pedestrian facilities. I consider the proposal would not lead to the creation of excess traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

#### Car Parking

10.6.7. Under SPPR 8 of the Apartment Guidelines 2018, it is stated that there shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.

10.6.8. The applicant has submitted a Car Parking Strategy and Mobility Management Plan. A total of 100 car parking spaces are proposed to serve the 287 residential units. 92 spaces are proposed for residential use and 8 are proposed to serve the crèche. 596 bicycle parking spaces are proposed, 20 bicycle spaces for the crèche and 5 motorcycle spaces. 5 car sharing spaces are proposed. This translates to 0.32 spaces per apartment (down from 0.52 at pre application stage).

10.6.9. The PA consider the figure to be seriously deficient, with development plan standards requiring 1-1.1 per apartment in Build to Rent schemes and the proposal will result in overspill parking on the surrounding area. The PA recommends refusal in this regard. Bicycle parking provision is considered acceptable by the PA and the provision of spaces exceeds requirements for 573 spaces. A number of submissions

also raise concerns in relation to the level of parking proposed, existing problems in relation to overspill parking and already high level of congestion in this area.

10.6.10. The applicant states that they own and control 275 car parking spaces within the existing adjacent development of The Grange and there are currently 100 spaces which are vacant/unused due to low demand from existing tenants. The PA does not accept the applicant's argument that an existing 100 spaces in the adjoining development in addition to 100 spaces proposed as part of this development would result in a parking ratio of 0.66 spaces per unit overall and any such proposal would be contrary to the permission on the adjoining site which required one space per unit which 'shall not be sold or let independently of their residential units'. I also consider this proposal to use parking spaces in the adjoining development to be problematic, notwithstanding the development originally included the application site. Any amendment to the overall parking strategy for the existing The Grange development, which is outside the red line and blue line boundary of this application, would require more detailed analysis, management proposals and proof of consent/ownership by way of a separate application. This may be something the management company could explore in the future to maximise the car parking strategy for the overall development.

10.6.11. In relation to the parking strategy for the existing development, while the proposed level of parking is very low per apartment unit, the context of the development in relation to its locational advantages adjoining a high frequency quality bus corridor route, which will be subject to Bus Connects upgrades, in addition to its proximity to a luas stop and the level of cycle infrastructure immediately adjoining the site are all key factors which support a low level of parking at a high density location such as this. The push toward more sustainable modes of transport over provision of high levels of parking, whether for storage or use, is supported by the Apartment Guidelines 2018. A 'Car Parking Rationale & Mobility Management Strategy' has been submitted with the application. I note the nature of the proposal, namely Build to Rent, and the measures put forward in relation to parking and mobility management within the submitted documentation. Having regard to all of the above, I am satisfied with the level of parking proposed. I note that issues relating to illegal parking on the surrounding streets are a matter for An

Garda Siochána and the Planning Authority and is outside the remit of this planning application.

10.6.12. In conclusion, I consider that the subject site is well served by public transport, immediately adjoining the N11 quality bus corridor, c. 1km from a luas stop, and immediately adjoining high quality cycle and pedestrian facilities. The proposal will greatly improve pedestrian linkages and safety within the area. I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be acceptable in this regard.

### 10.7. **Water Services Infrastructure**

10.7.1. 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 that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated.

10.7.2. An Engineering Report was submitted with the application, as was a Flood Risk Assessment.

10.7.3. It is proposed that the surface water run-off from the development will drain via gravity to the existing sewer in Brewery Road. Surface water run-off will be restricted to 6.36 l/s greatly reducing the run-off rate from site. It will be necessary to treat and then store excess storm water within the site. This will be achieved by using a sustainable drainage network of Green Roofs, Swales and Permeable Paving all discharging the treated water to underground storage tanks. Surface water run-off will be restricted by two separate hydrobrakes, which equate to a total outfall rate for the proposed development of 6.36 l/s. The storm water system will be designed to cater for the 1 in 100-year storm plus a 20% allowance for climate change.

10.7.4. I note concerns have been raised in submissions in relation to flooding in the area and the location of the site partly within flood zone B. The submitted flood risk assessment states that the site has been analysed for risks from flooding and through careful design and appropriate mitigation measures, the risk and consequences of flooding have been mitigated across the development. 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 way of condition. The local authority drainage department report states they are satisfied with the conclusions of the Site Specific Flood Risk Assessment submitted.

#### 10.8. Other Matters

10.8.1. The issue of inadequacy of public notices has been raised in some of the submissions received. I note that the general purpose of the public notices is to alert the public to proposed development works on the site. This has obviously occurred given the extent of submissions received.

#### 10.9. Appropriate Assessment Screening

10.9.1. The site is not located within or adjacent to any European site. There are no streams or water features on the site. The proposed development site is located <20m from the Brewery Stream, which flows along Brewery Road. The Brewery Stream flows in a north-easterly direction towards Blackrock, where it discharges into Dublin Bay. Dublin Bay at this location is designated as part of South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. In addition, the following European sites are present within the wider Dublin Bay complex; North Dublin Bay SAC, North Bull Island SPA, Howth Head SAC, Howth Head Coast SPA and Rockabill to Dalkey Islands SAC.

10.9.2. The following sites are considered to be within the zone of influence of this project:

Site Name	Site Code
South Dublin Bay SAC	000210
Rockabill to Dalkey Island SAC	003000
Wicklow Mountains SAC	002122
Knocksink Wood SAC	000725
Ballyman Glen SAC	000713
North Dublin Bay SAC	000206
Howth Head SAC	000202
Bray Head SAC	000714

Glenasmole Valley SAC	001209
Baldoyle Bay SAC	000199
Ireland's Eye SAC	002193
Glen of The Downs SAC	000719
South Dublin Bay and River Tolka Estuary SPA	004024
Dalkey Islands SPA	004172
Wicklow Mountains SPA	004040
North Bull Island SPA	004006
Howth Head Coast SPA	004113
Baldoyle Bay SPA	004016
Ireland's Eye SPA	004117

The qualifying interests/features of interest associated with the European sites closest to the site and connected hydrologically via the public surface water and foul sewer network are set out hereunder and the qualifying interests of other sites in the zone of influence, but not hydrologically connected, are set out in Appendix A.

<b>South Dublin Bay SAC</b>	<b>S. Dublin Bay &amp; River Tolka Est. SPA</b>
Mudflats and sandflats not covered by seawater at low tide	Light-bellied Brent Goose
Annual vegetation of drift lines	Oystercatcher
Salicornia and other annuals colonising mud and sand	Ringed Plover
Embryonic shifting dunes	Grey Plover
	Knot
	Sanderling Dunlin
	Bar-tailed Godwit
	Redshank
	Black-headed Gull
	Roseate Tern

	Common Tern
	Arctic Tern
	Wetlands & Waterbirds

- 10.9.3. A Habitats Directive Screening Report was submitted with the application. The report describes the development and surveys undertaken. It is stated that a desktop study found no records of any species or habitats for which European sites listed in above were designated within the subject lands or environs. There were no records of species within 2km of the proposed development site. Based on the findings of field surveys carried out on site, no species protected under the Habitats Directive (1992) are present on site. However, a substantial infestation of Japanese Knotweed *Fallopia japonica*, a species listed on the Third Schedule of the Birds and Natural Habitats Regulations (2011), is present on site.
- 10.9.4. As the proposed development does not overlap with the boundary of any European sites, there are no European sites at risk of direct habitat loss impacts. As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur. The proposed development site does not support populations of any fauna species linked with the QI/SCI populations of any European site(s). As the proposed development will not result in habitat loss or habitat fragmentation within any European site, there is no potential for any in combination effects to occur in that regard.
- 10.9.5. The report identified that, while there is no stream on site, there are potential source-receptor pathways between the proposed development and the European sites located in Dublin Bay, via the surface water network which discharges into the culverted Brewery Stream which in turn discharges into the coastal waters of Dublin Bay. However, no significant effects are predicted.
- 10.9.6. Potential impacts which could occur during the construction stage, and which have been identified and highlighted in a technical report prepared by AWN Consulting (2019), include: leakage of oils/hydrocarbons from construction machinery; discharge to ground of run-off water with high pH from cement process; and surface water run-off could contain a high concentration of suspended solids during earthworks. Potential operation stage impacts were also highlighted in the same

technical report: risk of a short-term release of oil from a small life safety generator which will be placed in the basement, contained in an effectively bunded tank with skid; leakage of oils/hydrocarbons from cars in parking areas.

10.9.7. Full details of the assessment of these impacts on water quality arising from the both the construction and operation stages are provided in a technical report, prepared by AWN Consulting Ltd (2019). This assessment developed a conceptual site model and concluded that there is no perceptible risk to water quality in Dublin Bay. Factors relied on to conclude that there will be no perceptible risk include:

- If any silt-laden run-off from construction enters the surface water sewer and culverted section of Brewery Stream which runs under Brewery Road, the suspended solids will naturally settle within the drainage pipes by the time the stormwater reached any open watercourse (South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA lie >2.5km away). Settlement is considered to occur within a distance of <0.5km.
- In the event of a 300 litre (worst case scenario) hydrocarbon leak fully discharging into the stormwater sewer during low flow conditions without mitigation, there is potential for some impact on surface water in the receiving Brewery Stream prior to dilution in the stream. This would be a short-term event. Due to dilution and attenuation the impact would not be measureable >1km from the site i.e. there would be no likely exceedance above statutory guidelines within Dublin Bay. Based on the possible loading of any hazardous material during construction and operation there is subsequently no potential for impact on Dublin Bay water quality status from an accidental discharge to stormwater which will discharge to the Brewery Stream.

10.9.8. The screening report submitted states potential source-receptor pathways exist between the proposed development and the European site through the foul water network (which also ultimately discharges into Dublin Bay, post treatment at Ringsend WWTP). No significant effects, as a result of additional foul water loadings, are predicted. The following is noted:

- The fact that the development will be fully serviced with separate foul and surface water sewers which will have adequate capacity. Discharge will be licenced by Irish Water and the sewage will be transferred to Irish Water's



Ringsend WWTP. This WWTP is required to be operated under an EPA licence and to meet environmental legislative requirements. Ringsend WWTP has received planning (2019) and will be upgraded with increased treatment capacity over the next 5 years. Even without treatment at Ringsend WWTP, the peak effluent discharge, calculated from the proposed development, would equate to 0.084% of the licenced discharge at Ringsend WWTP and would not impact on the current Water Body Status of the receiving waters (as defined within the Water Framework Directive) This assessment is supported by hydrodynamic and chemical modelling within Dublin Bay which has shown that there is a significant dilution for contaminants of concern (DIN and MRP) available quite close to the outfall for the treatment plants (WWTP 2012 EIS, WWTP 2018 EIAR). Recent water quality assessment of Dublin Bay also shows that Dublin Bay on the whole, currently has an 'Unpolluted' water quality status (EPA, 2019).

10.9.9. The screening report concludes there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of surface water run-off or foul effluent discharges. It is stated that there is no possibility of any other plans or projects acting in combination with the proposed development to undermine the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of water quality effects.

10.9.10. The screening report states that it is anticipated that groundwater will be encountered during excavation on site. However, any groundwater effects that may arise during construction or operation would be restricted to the immediate local area. The nearest European site for which groundwater dependent habitats are listed as Qualifying Interests is Knocksink Woods SAC which is located c. 7.8km south of the proposed development site. Knocksink Woods SAC is deemed to be beyond the hydrogeological zone of influence of the proposed development. There is therefore no possibility of the proposed development undermining the conservation objectives of any European as a result of groundwater impacts, either alone or in combination with any other plans or projects.

10.9.11. With regard to Japanese Knotweed, which is present within the proposed development site, this invasive species often spreads via surface water features. There are no surface water features contained within the proposed development site and the nearest surface water feature is the Brewery Stream which is circa 20m away. However, the Brewery Stream is culverted beneath Brewery Road and therefore there is no potential for invasive plant materials to enter this surface water feature and subsequently be transferred via this network to downstream European sites. As the surface water network is the only connection with downstream European sites, which could possibly aid the spread of non-native species, and the possibility of spread via this means has been excluded, the screening report concludes that there is no potential for invasive species to be transferred to downstream European sites.

10.9.12. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses, and distance from European Sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site 00210 (South Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA) or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

## **11.0 Environmental Impact Assessment**

11.1.1. The development provides for the construction of 287 residential units, a crèche facility and residential amenity space on a 1.8 hectare site. The site is located within the area of Dun Laoghaire Rathdown County Council and is within an urban area.

11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- i) Construction of more than 500 dwelling units

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

11.1.3. The proposal falls below the thresholds set out in legislation for mandatory EIA, however, the development is being delivered in addition to 506 permitted residential units at the existing The Grange development and it is anticipated that there is potential for a future phase of c. 250 units on this site, therefore, it is considered that the future development of the site has potential for an additional c. 500 units. In consideration of the potential cumulative development for this site, the applicant has submitted an EIAR.

11.1.4. 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 results of the submissions made by the planning authority, prescribed bodies, appellant, observers and applicant has been set out at Section 7.0 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Material Assets – Traffic and Transport
- Landscape and Visual Impact
- Biodiversity
- Surface water drainage

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

11.1.5. The EIAR is laid out in one volume with a separate non-technical summary. Chapter 1 sets out the introduction and methodology including a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a description of the site context and planning history. Chapter 3 provides a description of the proposed development including construction and operational aspects and associated mitigation. Chapter 4 examines alternatives. Chapter 18 examines risks of major accidents and chapter 19 examines potential of interactions between the various factors. Chapter 20 provides a summary of mitigation measures and Chapter 15 sets out the competencies involved within each chapter.

- 11.1.6. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 11.1.7. With respect to Article 3(2), chapter 18 of the EIAR refers to Major Accidents/Disasters. A site specific risk assessment was undertaken. It is noted that the site is not in an area prone to natural disasters. During the construction phase, it is stated the proposal will involve the management of invasive species on site, the excavation of a basement level, traffic management, use of equipment and machinery and scaffolding. It is stated that a Construction Management Plan (CMP) has been submitted as part of this application, which will reduce the risks of major accidents and disasters to human health. The main risk with the operational phase is stated to be normal hazard fire risks, cleaning of windows, flood risk, roof garden of crèche. All fire safety measures will comply with building regulations; the cleaning of windows will be undertaken by specialist contractors; the roof garden of the crèche has been designed to ensure all users are safely secured and an appropriate boundary is proposed; flood risk has been assessed and mitigated and is considered acceptable. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that the risk of major accident is very low. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Potential flooding has been addressed in this EIAR (and dealt with further below). I am satisfied that the risk of major accident is low.
- 11.1.8. 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 adequately identifies and describes and the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.

11.1.9. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

## 11.2. Alternatives

11.2.1. Chapter 4 of the EIAR addresses the alternatives considered.

11.2.2. The applicant refers to a number of reasonable alternatives considered on the site with respect to the design and layout of the scheme. A summary of the alternatives is provided. Having regard to the zoning of the site as residential, I am satisfied that alternative locations and alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

## 11.3. Consultations

11.3.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

## 11.4. Assessment of the Likely Significant Direct and Indirect Effects

11.4.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the factors referred to in points (a) to (d).

11.4.2. With respect to cumulative impacts it is stated that they have been considered for each environmental topic. The results of the cumulative impact assessment for each environmental topic are presented within each chapter.

11.4.3. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, as well as my site visit.

#### **11.5. Population and Human Health**

11.5.1. Chapter 5 of the EIAR addresses population and human health. The methodology for assessment is described as well as the receiving environment. Recent demographic trends are examined, and it is noted that the population of Stillorgan-Leopardstown increased by 10.6% between 2011 and 2016, which is a significantly greater rate than the county as a whole and the state. This is consistent with the areas location close to Dublin with a range of public transport options, including the luas.

11.5.2. Potential impacts are considered under Population, Housing, Land Use, Employment, Traffic and Transport, Social Service Provision, and Human Health. With respect to population and housing, the proposed development will result in an additional population in the area and will contribute to the housing unit target for the area, which is considered in operational terms to be significant and positive. The development of the site is in accordance with the land use zoning objective and in accordance with national policies for compact growth and efficient use of brownfield land on a site well served by public transport. The impact in terms of land use during construction is considered to be significant positive and for the operational phase, to result in a likely significant positive impact. It is expected that the development will result in the employment of a large workforce over a 24 month period, which will have a positive impact on employment numbers and at operational stage will result in additional population with employment opportunities in close proximity. In terms of social services, it is considered that there is sufficient capacity in schools in the area. Impacts on traffic and transport are considered and reference is made to other sections of the EIAR. Human health is considered in the context of lands and soil, water, noise and vibration, air and climatic factors, and landscape and visual. These interactions are considered fully and referenced elsewhere within the EIAR.

- 11.5.3. Potential cumulative impacts are considered in terms of increased population in the area and other developments in the wider area, with the overall cumulative impact considered to be long term and positive in terms of population and human health.
- 11.5.4. Mitigation measures during the construction and operational phase are detailed. Reference is made to the Construction Management Plan (CMP). During the operational phase, to avoid negative impacts on population and human health, it is proposed to provide for a crèche, landscaping to mitigate against microclimate conditions, a comprehensive foul and surface water management system, energy efficient measures and high quality finishes and materials.
- 11.5.5. With respect to Residual Impacts, none are anticipated. It is considered that the overall impact will be a likely significant positive effect for the local area.
- 11.5.6. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects 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, indirect or cumulative effects on population and human health.

#### 11.6. **Biodiversity**

- 11.6.1. Chapter 6 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. Flora and fauna (birds, mammals, and bats) surveys were undertaken.
- 11.6.2. The site is not located within or adjacent to a European site. The closest sites are the South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024), which are located c. 2.6km to the north-east. It is stated that both of these European sites are connected hydrologically to the development site via the existing surface water network, including the Brewery Stream. They are also connected via the foul water network as foul waters generated at the site will be treated at Ringsend WWTP before ultimately discharging into Dublin Bay. A number of other European sites in the wider area were considered and none were found to be connected to the development site. South Dublin Bay pNHA and Dalkey Coast Zone and Killiney Hill pNHA (which are not designated European sites) are also linked to the site via surface water and foul water networks. An Appropriate Assessment

Screening Report has been submitted with the application, which is assessed under section 10.9 above.

- 11.6.3. In terms of the receiving environment, habitats and flora are identified. It is stated that no species of protected flora or fauna were observed on the site. A badger survey was undertaken and no evidence of activity was recorded. A bird survey was undertaken. In terms of avian fauna, bird species on site are limited to common species with suitable breeding birds' habitat available due to the vegetation on site. There are a number of treelines on the site, the most significant running along the eastern boundary and the trees in this treeline have features that could be suitable for use by roosting bats. The Lodge, marketing suite and office block known as Oak West Business Centre were all deemed to have low potential to support roosting bats, and therefore one activity survey was carried out at each of these buildings. The existing cottages which front onto the N11 were deemed to have high potential to support roosting bats and therefore three activity surveys were carried out for these buildings.
- 11.6.4. In terms of invasive flora, it is stated that there is an 'abundance' of Japanese Knotweed on the site, which is an alien invasive plant species listed on the Third Schedule of the Birds and Natural Habitats Regulations S.I. No. 477/2011. Article 49 of this legislation states that 'any person who plants, disperses, allows or causes to disperse, spreads or otherwise causes to grow' any plant species listed in Part 1 of the Third Schedule shall be guilty of an offence'. Japanese Knotweed is classified as a 'high impact' invasive species. I noted upon site inspection a number of warning signs identifying the location of the Japanese Knotweed.
- 11.6.5. An ecological evaluation was undertaken to identify the likely significant effects during the construction and operational phases on key ecological receptors of designated sites, breeding birds, treeline habitats and invasive species (Japanese Knotweed) habitat.
- 11.6.6. Mitigation measures are set out in section 6.9 of chapter 6 of the EIAR. It is stated the construction mitigation measures proposed are considered appropriate in the context of protection of biodiversity and are not required for the protection of downstream designated sites. Mitigation measures for bats, breeding birds and habitats are proposed, including an outline mitigation plan for the Japanese



Knotweed, which is elaborated on further hereunder. Other construction phase mitigation measures include provision for bunded areas on site to minimise risk of discharge of any pollutants from the site; standards in relation to pouring of cement based materials; further examination of any trees to be felled for bats; external lighting to take cognisance of potential of bats; and provision that all works involving removal of vegetation will be undertaken outside of the nesting season (1st March to 31st August). Operational phase mitigation measures include the provision of bat boxes on suitable retained trees across the site and also bird boxes. It is stated that no mitigation measures are required in relation to Japanese Knotweed during the operational phase is required as this is to be eradicated before any other works commence on site. Monitoring of the bird boxes is to take place annually on site for three years to determine if they need to be relocated within the site and monitoring of the bat boxes will take place biannually for five years to check for roosting activity.

- 11.6.7. Cumulative impacts of existing or proposed projects on the same key ecological receptors outlined above have been considered, including potential impact of a future phase 2 of development of an estimated 250 residential units.

#### Japanese Knotweed – Mitigation, Construction Phase

- 11.6.8. In terms of potential construction phase impact, movement of soil could increase the spread of the Japanese Knotweed, both within the site and further afield. In addition if invasive species are included in the planting regime of any landscaping proposals for the site, this would result in an increase in the abundance of invasive species on site.
- 11.6.9. The biodiversity mitigation strategy set out in section 6.9 states that an Invasive Species Management Plan has been prepared for the site. I note the plan submitted is an Outline Invasive Species Management Plan and this is submitted as a separate document to the EIAR with the findings incorporated into the EIAR. The report proposes the removal of Japanese Knotweed plants prior to any element of site clearance. The existing mapping of the Japanese Knotweed was undertaken over the course of one day in February. It is stated that mapping of new growth in late spring 2020 may be required as identification in winter months can be problematic. The Outline Invasive Species Management Plan, prepared by Scott Cawley Ltd., sets out eradication methods possible on the site. This includes a requirement for a

pre-construction re-survey within the proposed development boundary to include accurate 1:5000 scale mapping for the precise location of invasive species. The report states the preferred option for eradication of the Japanese Knotweed is option 4 in the report, which is 'Excavation and Disposal off Site'. It is stated that while this is the most expensive option, it is the preferred option due to the time constraints associated with herbicide treatment (3+ years). It is proposed to excavate to a depth of at least c. 5m (or to a depth where no Japanese Knotweed root systems are visible) and dispose of the material off site at a licenced landfill as hazardous material. Precautions required for the handling and transport of materials are outlined in the report.

11.6.10. I note a submission from the DAU section of the Department of Culture, Heritage and the Gaeltacht notes that the Invasive Species Management Plan submitted is an outline plan and a definite Invasive Species Management Plan setting out how the applicant actually intends to eradicate and remove Japanese Knotweed from the proposed development site is required. It is further indicated that the applicant has not applied to the National Parks and Wildlife Service section for a licence to remove Japanese Knotweed from the site. The DAU submission recommends that a condition attach to any planning permission stating that the applicant shall submit to An Bord Pleanála a comprehensive Invasive Species Management Plan for the proposed development site, to be prepared by a firm with expertise in the eradication of Japanese knotweed and setting out detailed measures for the elimination of this species on the site and the removal from it or deep burial of soil contaminated with knotweed root and rhizome material.

11.6.11. I note chapter 3 of the EIAR, section 3.3, estimates that the removal of soil from the site will amount to 19,700m<sup>3</sup> and 5300m<sup>3</sup> of this is contaminated with Japanese Knotweed. It is not anticipate that any excavated material will be reused on site.

#### Bats and Birds – Mitigation

11.6.12. A submission from the DAU notes that several bird species, namely grey wagtail, mistle thrush and blue tit, are confirmed as breeding on the site and a number of others, robin, blackbird, wren, goldfinch, coal and great tits, are considered probable breeders. Most of these species nest in shrubs and trees, large

numbers of which are recorded from the site, distributed in scrub, shrubberies, a hedgerow, several tree lines and in broadleaved woodland, but the great majority of which it is proposed to remove as part of the proposed development. In addition it is noted that the EIAR records the use of the development site by foraging common pipistrelle and Leisler's bats and notes the presence there of several potential bat roost trees. The DAU recommends conditions attach to any grant of permission in relation to the timing of shrub and tree removal from the site and that a condition be attached that the mitigation measures proposed in the EIAR in relation to mitigation relating to bats shall be implemented in full. It is also noted that a condition that only wildflower seeds of Irish Origin be utilised on site, as the report indicates a UK seed mix.

### Conclusion – Biodiversity

11.6.13. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts on biodiversity 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 biodiversity.

### Land, Soil, Water, Air and Climate

#### **11.7. Land and Soils**

11.7.1. Chapter 7 of the EIAR addresses land, soils and geology.

11.7.2. The topography of the proposed development site generally slopes from south east to north west.

11.7.3. Geology maps and soil maps are provided. A Ground Investigation Survey was undertaken, comprising 3 trial pits, 14 rotary core boreholes, 3 groundwater monitoring wells and geotechnical and environmental laboratory testing. The site is 50% hardstanding with unused buildings of 'The Grange Marketing Suite', 'Oaktree Business Centre', 'The Lodge' and now redundant site set up area for the neighbouring site. There are a number of trees and foliage across the site.

11.7.4. The soil is identified as sandy gravelly clay with underlying granite bedrock. The site is underlain by made ground soil, with a shallow well drained mineral soil to the

northwest of the site. Shallow rock is present across the site with outcrops visible to the south.

11.7.5. Soil sample tests indicated organic and arsenic levels above the inert limits on the site. Asbestos was also discovered in two of the boreholes. A waste classification report is recommended to determine the most appropriate disposal options for any soil to be taken off the site.

11.7.6. The following works are identified as having a potential impact on soils and geology:

- Cutting and filling of subsoil and rock to form finished floor levels and development roads.
- Excavations for utilities and services.
- Importation of suitable material.
- Reinstatement of excavations and topsoil and removal off-site of unsuitable and surplus material.
- It is stated that it is intended that any surplus of materials generated on the site will be minimised.

11.7.7. Mitigation measures are described for the construction phase, which are in the main related to best practice construction methods, such as wheel wash facilities, provision of bunded areas on site to prevent contamination, dampening down measures with water sprays in dry weather to minimise dust, and noise attenuation on rock breakers. It is stated that negative impacts during construction phase will be short term only in duration and will not give rise to significant long term adverse impacts. During the operational phase, landscape area will be topsoiled and planted in accordance with the landscaping plan. No significant adverse impacts on the soils and geology of the lands are envisaged. The drainage system proposed will incorporate sustainable urban drainage methods to clean flows prior to discharge. No significant long-term impacts on soil, geology or hydrogeology, resulting from the proposed development are predicted.

11.7.8. Potential for cumulative impacts of the surrounding area, having regard specifically to the existing Grange development and potential future phase 2 of development (estimated 250 additional units), are deemed to have no additional impact.

11.7.9. One of the construction monitoring measures proposed is 'the adequate protection of the topsoil stockpiled for reuse'. It is unlikely that soil on the site can be reused given the large area of soil affected by Japanese Knotweed and also the results of soil samples which indicated high levels of organic and arsenic content in the soil as well as asbestos in two of the boreholes. Any construction management plan must ensure all the Japanese Knotweed is eradicated from the site prior to any works on the site and also include measures to ensure prevention of re-introduction of Japanese Knotweed to the site or reuse of contaminated soil in any landscaping proposals. I consider this issue can be addressed by way of condition and while not addressed within this chapter, it is specifically addressed within chapter 6 on Biodiversity and within the submission from the DAU of the Department of Culture, Heritage and the Gaeltacht.

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

## 11.8. **Water**

11.8.1. Water is addressed within chapter 8 of the EIAR. This chapter describes the surface water and groundwater regime. The Carysfort Maretimo/Brewery Road Stream is a highly modified urban watercourse which traverses the north western boundary of the subject site. It is proposed to discharge surface water from the site directly to this culverted stream which subsequently discharges to Dublin Bay. The groundwater risk on the subject lands is classified by the EPA as 'Not at Risk'. The aquifer below the subject lands is classified as PI, Poor Aquifer – Bedrock which is generally unproductive except for local zones.

11.8.2. Separately a Flood Risk Assessment has been carried out. The Office of Public Works Flood Mapping (CFRAM Mapping) indicates that a proportion of the site at the entrance and in the vicinity of Block N is at risk of flooding during the 1 in 1000 year storm event. Mitigation measures are proposed to ensure that risk from fluvial flooding is mitigated. The risk from groundwater flooding was considered to be high

given that groundwater was observed at a high level in three boreholes. The Flood Risk Assessment provides mitigation measures to waterproof areas at risk of flooding, such as the basement car park. It is proposed that the finished floor level of Block N, adjacent to this entrance, will be 69.5m OD ensuring that an adequate free board is achieved. It is stated that in the event of ground water flooding the access road and surrounding green areas, this water can escape from the site via the overland flood routing as there is a rise in level from the access road to the basement entrance ramp and the building levels have been set higher than the surrounding access road levels. Therefore, there is low residual risk of flooding from ground water. A summary of flood risk is set out within table 8.1, with residual impact post mitigation indicated to be low and very low.

- 11.8.3. A technical report prepared by AWN Consulting Ltd. (2019), which outlined the hydrological qualitative risks for the proposed development and concluded that there would be no perceptible risks to downstream European sites. I refer the Board to the section on Appropriate Assessment Screening under section 10.9 of this report.
- 11.8.4. The storm water drainage system, SuDS measures, watermain design and foul drainage proposals are described. Potential impacts during construction and operational phases are detailed, including stripping of soil and potential run off during rainfall, contaminants from cement/concrete, accidental spillage of oils / diesel, increased impermeable areas and resultant potential for an increase in risk of higher rates of surface water runoff leading to increased downstream flooding.
- 11.8.5. Mitigation measures are described including the preparation of a Construction Management Plan (CMP) which includes measures which will minimise potential impact on the surround water and groundwater environs, such as provision of settlement ponds, testing of surface water discharges and silt control measures. The impact following mitigation is considered to be not significant. Operational mitigation measures include the implementation of SuDS design measures in accordance with the CIRIA SuDS Manual and the GDSDS. The impact following the operational phase mitigation measures outlined above is stated to be imperceptible.
- 11.8.6. With regard to cumulative impacts, and potential for a phase 2 of development adjoining the site, it is stated that future development would increase the impermeable areas and there is potential for an increase in risk of higher rates of

surface water runoff leading to increased downstream flooding. However, no significant additional impacts are anticipated to arise as a result of any future development.

11.8.7. I have considered all of the written submissions made in relation to water. I am satisfied that potential effects 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, indirect or cumulative effects on water.

### **11.9. Air Quality and Climate**

11.9.1. Air and quality climate is addressed in chapter 10 of the EIAR. The methodology and receiving environment are addressed.

11.9.2. The primary sources of potential impacts during construction and operational phases are assessed, including air quality, climate and human health. In terms of the sensitivity of the receiving environment, there are potentially greater than 100 high sensitivity receptors less than 20m from the proposed construction site, ie the apartment blocks and residential units in the immediate vicinity.

11.9.3. During the construction stage the main source of air quality impacts is indicated to arise from dust, which will arise from demolition, earthworks, construction and trackout (movement of heavy vehicles). During the operational phase, the main air quality considerations relate to the number of vehicles and CO<sub>2</sub> emissions on the climate.

11.9.4. Mitigation measures during construction are detailed including primarily a 'Dust Minimisation Plan', which is outlined in appendix 10.2. Given the predicted level of traffic increase during operational phase, the impacts to air quality and climate are predicted to be imperceptible, therefore, it is stated, that no mitigation is required.

11.9.5. When dust minimisation measures are implemented, residual fugitive emissions of dust would be in short term and not significant in nature and will not result in a significant impact on human health and will comply with ambient air quality legislative limits. Based on the scale and temporary nature of construction works, the potential impact on climate change post mitigation is deemed to be short term and not

significant. Recommendations are made to conduct dust monitoring during construction. There is no monitoring requirement during the operational phase.

11.9.6. Cumulative impacts are considered and no significant impacts are predicted.

11.9.7. 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.

#### **11.10. Wind and Microclimate**

11.10.1. A Wind and Microclimate Modelling Study has been undertaken, which is stated to have been utilised to configure the optimal layout for the proposed development. The existing receiving environment, topography and historical weather wind data were examined, in addition to weather data obtained from an on-site weather station over the period 22<sup>nd</sup> February to 4<sup>th</sup> April. The modelled area includes a 2 sqkm around the Grange development, with the surrounding buildings modelled. The prevailing wind direction is from the south west.

11.10.2. During the construction stage, wind impacts are considered to be insignificant and negligible. During the operational phase, mitigation measures of landscaping, sculptural screening and canopies/wind gutters are considered. The proposal is considered to fall within the acceptable criterion, as set out within the report. It is stated that the landscaping have been adapted and designed to provide further protection from the wind. Different sizes of tree area proposed as well as all around the buildings to disperse approaching wind and protect the roof terrace in Block P, footpaths and cyclepaths. Wind flows are shown to be always below the critical level and wind speeds are comfortable. It is stated that the development does not introduce any critical impact on the surrounding buildings or nearby adjacent roads.

11.10.3. I am satisfied that the identified impacts in relation to wind and microclimate 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 wind and microclimate.



## 11.11. Noise and Vibration

- 11.11.1. Chapter 9 of the EIAR evaluates noise and vibration associated with the construction and operational phases of the development.
- 11.11.2. Baseline noise monitoring was undertaken across the development and noise sensitive receptors were identified. Three noise monitoring locations were chosen, one at the western boundary and two at the boundaries with the existing Grange development. An inward noise impact assessment was also undertaken.
- 11.11.3. Potential noise impacts during construction are described, including noise arising from site clearance, building construction works, and landscaping works. Vibration impacts are considered limited to piling for basement foundations for apartment buildings. The closest noise sensitive sites are 25m-50m from the proposed development, with distances up to 250m considered. During the operational phase, consideration is given to noise arising from road traffic and operational plant serving the commercial and apartment buildings. A Traffic Impact Assessment has been used to calculate potential noise impacts at operational stage. The predicted increase in noise associated with traffic is less than 0.2dB(A), which is largely due to the existing volume of traffic along the surrounding road network onto which the development traffic will travel.
- 11.11.4. Mitigation measures are detailed for construction, such as selection of quiet plant, noise control at source, screening with standard construction site hoarding, liaison with the public, and phasing of construction works. Construction noise impacts are anticipated to be short term, negligible and slight to moderate. Vibration impacts are considered short term and negligible. At operational stage, it is considered that no noise mitigation measures with respect to the outward impact of the development are necessary. With regard to any residual impact from operational plant on the site, the impact will be of neutral, imperceptible and long term impact. Noise levels at the nearest noise sensitive locations are predicted to be within the relevant noise criteria and will not result in a significant impact on human health. There are no expected cumulative impacts as a result of the development, when considering adjoining developments permitted and adjoining zoned lands.
- 11.11.5. An Inward Noise Impact Assessment was undertaken examining the impact of existing external noise, primarily from the surrounding road network, on the internal

noise environment of the proposed residential units. An acoustic/noise model of the site was undertaken, which was overlain on the proposed site layout. A two stage approach for evaluating noise exposure on prospective sites for residential development was undertaken in accordance with the Professional Guidance on Planning and Noise (ProPG, May 2017) document. The existing noise environment was modelled and the site is categorised as medium to high risk. The highest noise levels were calculated at the boundary of the site at the units/apartments with a line of sight of Brewery Road. Landscape screening will benefit the ground floor units, but not the upper units. The layout and design of the buildings address noise issues, through the following considerations - set back of buildings from Brewery Road; mechanical ventilation of buildings using heat recovery units, thereby removing the need to open windows to ventilate living spaces; and improved sound insulation through improved glazing specification. All located are predicted to achieve good internal noise levels with the windows closed. External noise levels within the public open spaces and private amenity areas are within the recommended range of noise levels.

- 11.11.6. I have considered all of the written submissions made in relation to noise. 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.

### **Material Assets, Cultural Heritage and the Landscape**

#### **11.12. Material Assets - Traffic and Transport**

- 11.12.1. Chapter 13 details the Traffic and Transport assessment.
- 11.12.2. The Board is referred to section 10.6 of my report above in respect of impacts on traffic and transport.
- 11.12.3. Baseline traffic data was gathered and junction surveys carried out at three junctions in the vicinity of the site, at N11 Stillorgan Road/Brewery Road/Farmleigh Avenue (Junction 1); N31 Brewery Road/St. Brigids Church Road (Junction 2); and N31 Brewery Road/Site Access (Junction 3). Bus routes, included proposed Bus

Connects upgrades are noted as is the location of the Luas c. 1km southeast of the site.

- 11.12.4. A total of 100 car parking spaces are proposed to serve the 287 residential units. 92 spaces are proposed at basement level, with 8 at surface level for crèche use. 596 bicycle parking spaces are proposed and 5 motorcycle spaces.
- 11.12.5. Potential impacts are described both during construction and operational stages. It is stated that remedial and mitigation measures related to construction activities will be implemented in accordance with a Construction Management Plan (CMP) and a detailed Construction and Traffic Management Plan (CTMP). Impacts are considered to be temporary and will be minimised.
- 11.12.6. During the operational phase, TRICS was used to determine trip generation and PICADY used for modelling priority junctions. The impact is determined to be minimal on the surrounding roads network. A Mobility Management Plan is proposed as mitigation during the operational phase to promote sustainable modes of transport. Footpaths and cycle paths are provided and impact is considered to be minimal.
- 11.12.7. Interactions are considered and it is stated the effects of these will be mitigated through the implementation of measures within the CMP and other sections of the EIAR.
- 11.12.8. 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 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 traffic and transport.

### **11.13. Material Assets - Utilities**

- 11.13.1. Chapter 14 of the EIAR evaluates the impacts on material assets required to facilitate the development, including surface water drainage, water supply, foul sewerage, electricity, gas and telecommunications.

#### Surface Water Drainage

- 11.13.2. Surface water from the proposed development area currently drains unrestricted to the surface water sewer on Brewery Road. The closest stream to the site is the Brewery Stream discharging to the Irish Sea in Blackrock, 2.5km from the site. Chapter 8 of the EIAR is cross referenced in relation to surface water infrastructure impacts and mitigation.
- 11.13.3. The proposed surface water will be attenuated on site and discharge at greenfield run off rates. SUDS is incorporated within the design.
- 11.13.4. Potential impacts in terms of surface water drainage are described for the construction and operational phases. Mitigation measures are proposed for the construction phase as detailed in section 14.9 of the EIAR, including provisions for silt control measures and regular testing of surface water discharges. For the operational phase, mitigation measures include design elements of flow restrictors to attenuation storage areas, implementation of SuDS such as permeable paving and swales, and use of petrol interceptors. The impact following the construction stage mitigation measures outlined above is not significant. No adverse impact following the operation phase mitigation measures is indicated.

#### Foul Sewers

- 11.13.5. All foul drainage will connect to the existing on-site private drainage system, which drains to the public foul sewer, or drain directly to the public foul sewer in Brewery Road, by gravity. The foul sewer drains to the West Pier Pumping Station where it is pumped via a rising main to the Ringsend Wastewater Treatment Plant.
- 11.13.6. Irish Water in their submission indicate that no upgrade of the existing network is required to facilitate the development.
- 11.13.7. Potential impacts are described for the construction and operational phases. Mitigation measures are proposed for the construction phase as detailed in section 14.9 of the EIAR. Impact on the receiving environment is indicated to be moderate.

#### Water Supply

- 11.13.8. There is an existing water main on Brewery Road. Irish Water has indicated a new 140m long connection will be required from the development to the water main.
- 11.13.9. The potential impacts of development in terms of water supply are indicated for the construction and operational phases. Mitigation measures for the construction

phase and for the operational phase are indicated. Overall, the impact on the water supply infrastructure during the construction phase of the proposed development is considered to be slight and during the operational phase the impact on water supply demand is considered moderate.

#### Telecommunications

11.13.10. There are existing EIR services in the area and the installation of telecommunication utilities will occur in parallel with other services. No significant impacts are predicted and any residual impacts will be short term in nature.

#### Conclusion on Material Assets – Utilities

11.13.11. Cumulative impacts have been considered and no significant impacts have been identified.

11.13.12. Interactions have been considered relating to water (Hydrology and Hydrogeology), population and human health, and traffic and transport.

11.14. I have considered all of the written submissions made in relation to Material Assets. I am satisfied that potential effects 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, indirect or cumulative effects on material assets.

#### **11.15. Material Assets - Waste Management**

11.15.1. Chapter 15 of the EIAR addresses waste management.

11.15.2. A site-specific Construction and Demolition Waste Management Plan (C&D WMP) has been prepared to deal with waste generation during the construction phase of the project and a separate Operational Waste Management Plan (OWMP) has also been prepared for the operational phase of the development.

11.15.3. Construction phase impacts include waste from demolition of existing buildings and hardstanding areas, construction materials, and also waste from excavations to facilitate basement and construction of foundations, which is estimated to involve c 19,700 tonnes of soil and stones. It is stated that it is anticipated that all of this material will require removal from the site for offsite reuse, recovery, recycling and/or disposal.

- 11.15.4. It is stated that based on soil investigations, it is anticipated that the surplus material will be suitable for acceptance at inert or non-hazardous soil recovery facilities/landfills in Ireland, or in the unlikely event of hazardous material being encountered, be transported for treatment/recovery or exported abroad for disposal at suitable locations. I note that the abundant spread of Japanese Knotweed across the site, which is a hazardous material, is not specifically noted, however I am satisfied that this issue has been addressed comprehensively elsewhere in this report and a condition should be attached to any permission requiring an update of the C&D WMP, including a reference to the disposal of Japanese Knotweed.
- 11.15.5. Operational phase impacts are also considered, specifically the proposed generation of waste from future residents, with The Grange development assessed in terms of waste generation as a prediction basis for likely volumes of waste which will be generated from this development.
- 11.15.6. Mitigation measures are proposed to minimise the effect of the proposed development on the environment, to promote efficient waste segregation and to reduce the quantity of waste requiring disposal. A site-specific Construction and Demolition Waste Management Plan (C&D WMP) has been prepared to deal with waste generation during the demolition, excavation and construction phases of the project and it is stated that mitigation will require that this plan is refined/updated to detail specific measures to minimise waste segregation and resource consumption, and provide details of waste contractors and destinations of each waste stream.
- 11.15.7. An Operational Waste Management Plan (OWMP) has also been prepared as mitigation for the operational phase of the development. The predicted effect of the construction phase on the environment is determined to be short-term, imperceptible and neutral. The predicted effect of the operational phase on the environment will be long-term, imperceptible and neutral. The residual impact is stated to be neutral and imperceptible.
- 11.15.8. In terms of interactions, consideration is given to lands and soils, and traffic and transportation. In terms of lands and soils, the impact is considered long term, imperceptible and neutral. With regard to traffic and transport, the impact is considered short to long term, imperceptible and neutral.

11.15.9. I have considered all of the written submissions made in relation to Material Assets – Waste Management. I am satisfied that potential effects 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, indirect or cumulative effects on waste management.

#### **11.16. Archaeological, Architectural and Cultural Heritage**

11.16.1. Chapter 16 of the EIAR addresses archaeology, architectural and cultural heritage.

11.16.2. A desktop study and field inspection were carried out as part of the assessment of the site. A study radius of 500m was utilised in the assessment. A previous archaeological investigation was undertaken in 2005 which included part of the site. Monitoring of topsoil was undertaken and nothing of archaeological significance was identified. The proposed development is located within the former demesne of The Grange (NIAH Garden DU-50-O-205271). This has been removed by two subsequent developments. The Grange Cottages (three of the four cottages are within the site boundary) and remnants of the northern half of the Grange Demense/surviving portions of the demesne walls (NIAH Garden DU-50-O-205271) are the only architectural features of interest noted on the aerial photography and are of cultural heritage value. There are no recorded monuments within the application site, no protected structures and no ACAs.

11.16.3. Potential impacts are identified relating to the construction stage and operational stages in terms of archaeology, architecture and cultural heritage. In terms of construction impacts, the impacts relate to Grange Cottages and remnants of a number of demesne walls in terms of architectural and cultural impact, which is stated may be demolished. I note the development description states that no. 2 and no.3 Grange Cottages are to be retained within the current proposal and any works related to these units involves only landscaping, no works to the structure or layout of these units is proposed. It is intended however that these cottages would be demolished in a future phase of development. Impacts are deemed to be a direct moderate negative impact. No impacts are identified during the operation phase. Mitigation measures are proposed. All overgrown vegetation around the cottages are

to be removed and a photographic record of the structures made prior to their demolition. With regard to the surviving demesne walls to be demolished, a photographic record of these is also to be made.

11.16.4. In terms of cumulative impacts and residual impacts, none are identified.

11.16.5. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. 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 on archaeology, architectural or cultural heritage.

### **11.17. Daylight and Sunlight**

11.17.1. Chapter 17 relates to daylight and sunlight. An assessment of the proposed development on adjacent lands in terms of daylight access has been undertaken. The standards for sunlight and daylight access in buildings follow the British Standard and BRE Guide. I refer the Board to section 10.5 of my report also.

11.17.2. The methodology utilised is explained. A three dimensional digital model of the proposed development and of existing buildings in the area was constructed by ARC Consultants based on drawings and three dimensional models supplied by the Design Team; and with reference to Dun Laoghaire-Rathdown County Council's online planning register, on-site, satellite and aerial photography. Trees and boundary planting were not included in this model. In assessing the impact of the proposed development on existing buildings, ARC assessed the Vertical Sky Component of each window at a point at the centre of each window. In assessing daylight access within the proposed development, Average Daylight Factor was assessed on the working plane (i.e., at work top level).

11.17.3. Existing buildings examined outside the application include Grange Cottages, The Grange development (506 units), and Lawnswood Park.

11.17.4. Construction phase impacts and operational phase impacts are identified. It is stated the construction phase impacts will be less than the operational phase



impacts and the completed development will have the same impacts as the operation phase.

11.17.5. Using the model, the operational phase impacts on daylight access within the Grange Cottages and within the existing development is likely to range from 'imperceptible' to 'moderate'. The impact on daylight access to sample rooms studied at Lawnswood Park is categorised as 'imperceptible' and at Grange Cottages is indicated to result in a 'moderate' impact. With regard to the existing apartments in The Grange, the results vary from 'imperceptible' to 'slight' to 'moderate'. With regard to sunlight at operational phase, the potential impacts of overshadowing were considered on buildings and gardens outside the site as well buildings and amenity areas within the site. All potential impacts are predicted to be below BRE threshold for adverse impact.

11.17.6. With regard to mitigation measures, it is stated that the proposed development is on lands immediately adjoining a substantial and strategically located infill site, which was the subject of major re-development in order to accommodate medium and high density residential development in recent years. In these circumstances, during the construction or operational phases, scope for mitigation measures, which would preserve a sustainable level of density, is limited. No ameliorative, remedial or reductive measures are proposed.

11.17.7. No cumulative impacts having regard to a future phase of development, or impacts on human health are predicted.

11.17.8. I have considered all of the written submissions made in relation to daylight and sunlight. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts on daylight and sunlight of the surrounding properties.

#### **11.18. Landscape and Visual Impact Assessment**

11.18.1. Chapter 12 of the EIAR addresses Landscape and Visual Impact. The EIAR notes the policy context and existing visual character. The applicant has submitted 3D images and photomontages of the development from various viewpoints. I refer the Board to section 10.5 of my report also.

- 11.18.2. The predicted visual impact during the construction phase is examined and during the operational phase. It is stated that the predicted impact during construction will be wholly negative at first, becoming neutral to positive as work proceeds and the new structure becomes apparent. With regard to the operational phase, it is stated that the visual impact is likely to be consistent with emerging trends for development on the application site and along the N11 National Primary Route, particularly given that the site already accommodates a ten storey structure and therefore impacts will be moderate in extent.
- 11.18.3. The capacity of the site to absorb the impact of buildings higher than the surrounding low density residential estates is stated to be considerable given the character of lands adjoining The Grange development and the opposing site on the N11 of Beechwood Court, presenting a cluster of taller and higher density buildings.
- 11.18.4. A Visual Impact Assessment incorporating photomontages has been submitted to assess the impact on specific viewpoints. I note the content of this report and am satisfied the issue has been adequately assessed.
- 11.18.5. No cumulative impacts are predicted. No mitigation measures are proposed.
- 11.18.6. I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the landscape or on visual impact.

### 11.19. Significant Interactions

- 11.19.1. Chapter 19 of the EIAR comprises a matrix of significant interactions between each of the disciplines. 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. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.
- 11.19.2. In conclusion, I am 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. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

## **11.20. Reasoned Conclusion on the Significant Effects**

11.20.1. 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:

- A positive impact with regard to population and material assets due to the increase in housing stock that would be made available in the city.
- Traffic and Transport: Potential for moderate short term impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area and any potential impact will be mitigated by way of design and implementation of the Car Parking and Mobility Management Strategy for the development.
- Landscape and Visual Impacts: There will be changed views from various locations given the change from a largely vacant/low scale brownfield site to a high density residential development. The lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be mitigated by the design, retention of specified trees and hedgerows, and proposed landscaping. The proposed development would not have a significant negative impact on the landscape.
- Biodiversity Impacts: Significant direct local impacts on existing flora and fauna will be mitigated by a range of measures identified in the EIAR, including construction management measures, protection of trees to be retained, landscaping, measures in relation to bats and birds, use of bat and bird boxes, and removal of Japanese Knotweed plants from the site through

the implementation of an Invasive Species Management Plan. The proposed development would not have a significant negative impact on biodiversity.

- Potential impacts on water, which are proposed to be mitigated by construction management measures and implementation of SUDS measures.
- Potential impacts on air quality and climate, which will be mitigated by measures set out in the EIAR.
- Potential effects arising from noise and vibration during construction, which will be mitigated by appropriate management measures.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

## 12.0 Recommendation

I recommend that permission is granted, subject to conditions.

## 13.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022,
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 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) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received, and

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.

## 14.0 Recommended Draft Order

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 9th day of September 2019 by Brock McClure Planning and Development Consultants on behalf of KW PRS ICAV acting for and on behalf of its sub-fund KW PRS Fund 10.

**Proposed Development:** planning permission for a 'Build to Rent' strategic housing development located at a site of c. 1.8 ha on lands adjacent to 'The Grange' Brewery Road/Stillorgan Road, Stillorgan, Blackrock, Co. Dublin. The site includes 'The Grange Select Marketing Suite', 'Oaktree Business Centre', 'The Lodge' and Nos. 2 and 3 The Grange Cottages.

The development will consist of the demolition (total c.1, 398 sq m GFA) of 'The Grange Select Marketing Suite' (1 storey), 'Oaktree Business Centre' (2 storeys) and 'The Lodge' (2 storeys); and the construction of a new residential scheme of 287 residential units; residential tenant amenity space of c.961.5 sq m; a crèche facility of

c.658 sqm; and a substation of c.96.5 sq m in the form of 6 new blocks (Blocks H, J, M, N, P and Q) ranging in height from 1 - 11 storeys as follows:

The residential development provides for 287 no. units (19 no. studio units, 125 no. 1 bed units and 143 no. 2 bed units) in Blocks H, J, M and N as follows:

- Block H (7 - 11 storeys from Brewery Road) comprising 99 no. apartments (6 no. studios, 50 no. 1 bed units and 43 no. 2 beds);
- Block J (5 - 10 storeys from Brewery Road) comprising 75 no. apartments (36 no. 1 bed units and 39 no. 2 bed units);
- Block M (4 - 9 storeys from podium) comprising 73 no. apartments (38 no. 1 bed units and 35 no. 2 bed units); and
- Block N (6 - 7 storeys from Brewery Road) comprising 40 no. apartments (13 no. studios, 1 no. 1 bed units and 26 no. 2 bed units).

Each residential unit has associated private open space in the form of a balcony/terrace/roof terrace.

The following residential tenant amenity space, crèche facility and substation proposals are also delivered:

- Blocks H (7 - 11 storeys) also contains a residential tenant amenity space of c.961.5 sq m. This area includes a gym space, male and female changing areas, accessible changing areas, a cinema room, entrance lobby, lounge areas, kitchen/dining areas, games area, management suite, 4 no. meeting rooms, co-working space, security/parcels area, storage areas, tea station, toilets, letter box area and all associated extraneous areas, all of which are areas dedicated to use by future tenants.
- Block P (3 storeys) provides for a crèche facility of c.658 sq m and associated outdoor play area in the form of a roof terrace of c.222.9 sq m.
- Block Q (1 storey at basement level/level 00) provides for an ESB substation of c.96.5 sq m.

A basement area (total c.3,324.8 sq m) is also proposed below Blocks H, J & M at Level 00. A total of 100 car parking spaces (16 at surface level and 84 at basement level),

596 bicycle spaces (518 at basement level and 78 at surface level) and 5 motorcycle spaces (all at basement level) are proposed. Waste Management areas and plant areas are also located at basement level.

Public open space is also proposed in the form of external residential amenity spaces, play areas, courtyards, gardens and trim trails (c.10,465 sq m). Provision is also made for pedestrian connections to the adjoining park to the south west, the N11 Stillorgan Road to the north east and the existing 'The Grange' development to the south east.

Nos. 2 and 3 The Grange Cottages (single storey) are retained within the current proposal and works to these residential dwellings relate solely to landscape proposals. No works are proposed to the structure or layout of these units.

The development shall be accessed via the existing vehicular access point from Brewery Road. It is proposed to reconfigure the alignment of this vehicular access point to facilitate the proposed development and provide for improved access and egress for the overall 'The Grange' development.

The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; and electrical services.

The application contains a statement setting out how the proposal will be consistent with the Dún Laoghaire Rathdown County Development Plan 2016-2022.

An Environmental Impact Assessment Report has been prepared in respect of the proposed development.

## **Decision**

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

## **Matters Considered**

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

## **Reasons and Considerations**

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

- (a) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022,
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 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) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received, and
- (m) the report of the Inspector

## **Appropriate Assessment Screening**



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

### **Environmental Impact Assessment**

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

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

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

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact

assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

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

- (a) A positive impact with regard to population and material assets due to the increase in housing stock that would be made available in the city.
- (b) Traffic and Transport: Potential for moderate short term impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area and any potential impact will be mitigated by way of design and implementation of the Car Parking and Mobility Management Strategy for the development.
- (c) Landscape and Visual Impacts: There will be changed views from various locations given the change from a largely vacant/low scale brownfield site to a high density residential development. The lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be mitigated by the design, retention of specified trees and hedgerows, and proposed landscaping. The proposed development would not have a significant negative impact on the landscape.
- (d) Biodiversity Impacts: Significant direct local impacts on existing flora and fauna will be mitigated by a range of measures identified in the EIAR, including construction management measures, protection of trees to be retained, landscaping, measures in relation to bats and birds, use of bat and bird boxes, and removal of Japanese Knotweed plants from the site through the implementation of an Invasive Species Management Plan. The proposed development would not have a significant negative impact on biodiversity.

- (e) Potential impacts on water, which are proposed to be mitigated by construction management measures and implementation of SUDS measures.
- (f) Potential impacts on air quality and climate, which will be mitigated by measures set out in the EIAR.
- (g) Potential effects arising from noise and vibration during construction, which will be mitigated by appropriate management measures.

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

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

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

**15.0 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
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	<p>authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Prior to commencement of any works on site, the developer shall submit to and agree in writing with the planning authority a comprehensive Invasive Species Management Plan to be prepared by a firm with expertise in the eradication of Japanese Knotweed and setting out detailed measures for the elimination of this species on the site.</p> <p><b>Reason:</b> To ensure the eradication from the development site of Japanese Knotweed, an invasive plant species, and address any impacts on biodiversity.</p>
4.	<p>The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area and in the interests of clarity.</p>
5.	<p>Prior to the commencement of development, the owner shall submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum</p>

	<p>period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development of the area.</p>
6.	<p>Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.</p> <p><b>Reason:</b> In the interests of orderly development and clarity.</p>
7.	<p>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:</p> <ul style="list-style-type: none"> <li>(a) Units 01-01, 02-01, 03-01 and 04-01 in Block J shall be omitted and the associated floor space incorporated within the adjoining apartments.</li> <li>(b) Detailed plans in relation to the playground, activity trail to the east of Block M, and omission of diagonal path through open space to the east of Block J.</li> <li>(c) Full details of proposed green roofs.</li> <li>(d) Privacy screens at 1.5 metres minimum height shall be provided between balconies of the apartments.</li> </ul> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development</p>

	and to safeguard the amenities of the area.
8.	<p>The site shall be landscaped in accordance with a revised scheme of landscaping, which shall have full regard to the Invasive Species Management Plan to be prepared for the site; results of soil sampling across the site; and planting plans shall include wildflower seeds of Irish origin only. Details of the revised landscaping scheme 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.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
9.	<p>Prior to the commencement of development, the developer shall appoint a qualified arborist as an arboricultural consultant for the entire period of the construction. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:</p> <p>(a) Specific trees, the removal of which is authorised in writing by the Planning Authority to facilitate the development.</p> <p>(b) Trees which are agreed in writing by the Planning Authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.</p> <p>(c) The removal of shrubs and trees from the development site shall only be carried out in the months from September to February inclusive i.e. outside the main bird breeding season.</p> <p><b>Reason:</b> In the interests of amenity, ecology and sustainable development.</p>
10.	Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial

	<p>completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species</p> <p><b>Reason:</b> In the interests of amenity, ecology and sustainable development.</p>
11.	<p>Measures proposed in the Environmental Impact Assessment Report, to mitigate the impact of the proposed development on bats, including methods of felling trees, the installation of bat boxes and with regards to any removal of ivy from the cottages facing the N11, shall be implemented in full.</p> <p><b>Reason:</b> To conserve bat species, which are afforded a regime of special protection under the Habitats Directive (92/43/EEC).</p>
12.	<p>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:</p> <p>(a) The roads and traffic arrangements serving the site (including sightlines, footpath connections and 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.</p> <p style="padding-left: 40px;">(i) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths, corner radii and pedestrian crossings.</p> <p style="padding-left: 40px;">(ii) 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.</p> <p style="padding-left: 40px;">(iii) The developer shall carry out a Stage 2 (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.</p> <p>(b) Within six months of substantial completion of the development a Stage</p>

	<p>3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for written agreement.</p> <p>(c) All car parking spaces shall be ducted for future electric vehicle charging points.</p> <p>(d) Clearly designated spaces for car share use shall be provided.</p> <p>(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.</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interests of pedestrian, cyclist and traffic safety.</p>
13.	<p>Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>
14.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
15.	<p>All plant including extract ventilation systems and refrigerator condenser</p>



	<p>units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
16.	<p>No additional development shall take place above roof parapet level of the apartment buildings, 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.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>
17.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
18.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p>

	<p><b>Reason:</b> In the interests of visual and residential amenity.</p>
19.	<p>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 –</p> <p>(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,</p> <p>(b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and</p> <p>(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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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.</p>
20.	<p>The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
21.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 – Detailed Design State Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no</p>

	<p>misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
22.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity</p>
23.	<p>Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, 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 for the ongoing operation of these facilities.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
24.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details of the Invasive Species Management Plan for this site shall be incorporated within this plan. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
25.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed</p>

	<p>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.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
26.	<p>Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-rent scheme will operate.</p> <p><b>Reason:</b> In the interests of orderly development and the proper planning and sustainable development of the area.</p>
27.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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.</p>
28.	<p>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 reinstatement of public roads which may be</p>

	<p>damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
29.	<p>The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood 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.</p> <p><b>Reason:</b> 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.</p>
30.	<p>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</p>

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.

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Una O'Neill  
Senior Planning Inspector

9<sup>th</sup> December 2019

## Appendix 1:

<p><b>European Site Name [Code] and its</b></p> <p><b>Qualifying interest(s) / Special Conservation Interest(s)</b></p> <p><b>(*Priority Annex I Habitats)</b></p>	<p><b>Location Relative to the Proposed Development Site</b></p>
<p><b>South Dublin Bay SAC [000210]</b></p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1210] Annual vegetation of drift lines</p> <p>[1310] <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>[2110] Embryonic shifting dunes</p>	<p>The proposed development lies c.2.5km north-east of the proposed development</p>
<p><b>Rockabill to Dalkey Island SAC [003000]</b></p> <p>[1170] Reefs</p> <p>[1351] Harbour porpoise <i>Phocoena phocaena</i></p>	<p>The proposed development lies c. 6.9km east of the proposed development site</p>
<p><b>Wicklow Mountains SAC [002122]</b></p> <p>[3110] Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>[3160] Natural dystrophic lakes and ponds</p> <p>[4010] Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>[4030] European dry heaths</p> <p>[4060] Alpine and Boreal heaths</p> <p>[6130] <i>Calaminarian</i> grasslands of the</p>	<p>The proposed development lies c. 7.7km south-west of the proposed</p>

<p><i>Violetalia calaminariae</i></p> <p>[6230] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>[7130] Blanket bogs (* if active bog)</p> <p>[8110] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>[8210] Calcareous rocky slopes with chasmophytic vegetation</p> <p>[8220] Siliceous rocky slopes with chasmophytic vegetation</p> <p>[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>[1355] <i>Lutra lutra</i> (Otter)</p>	
<p><b>Knocksink Wood SAC [000725]</b></p> <p>[7220] Petrifying springs with tufa formation (Cratoneurion)*</p> <p>[91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p>	<p>The proposed development lies c. 7.8km south of the proposed development site</p>
<p><b>Ballyman Glen SAC [000713]</b></p> <p>[7220] Petrifying springs with tufa formation (Cratoneurion)*</p> <p>[7230] Alkaline fens</p>	<p>The proposed development lies c. 8.4km south of the proposed development site</p>
<p><b>North Dublin Bay SAC [000206]</b></p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1210] Annual vegetation of drift lines</p> <p>[1310] <i>Salicornia</i> and other annuals</p>	<p>The proposed development lies c. 8.7km north of the proposed development site</p>



<p>colonising mud and sand</p> <p>[1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p> <p>[1395] Petalwort <i>Petalophyllum ralfsii</i></p> <p>[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>[2110] Embryonic shifting dunes</p> <p>[2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>[2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>[2190] Humid dune slacks</p>	
<p><b>Howth Head SAC [000202]</b></p> <p>[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>[4030] European dry heaths</p>	<p>The proposed development lies c. 11.7km north-east of the proposed development site</p>
<p><b>Bray Head SAC [000714]</b></p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	<p>The proposed development lies c. 11.8km south-east of the proposed development site</p>
<p><b>Glenasmole Valley SAC [001209]</b></p> <p>[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>[6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>[7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p>	<p>The proposed development lies c. 12.1km west of the proposed development site</p>

<p><b>Baldoyle Bay SAC [000199]</b></p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1310] Salicornia and other annuals colonizing mud and sand</p> <p>[1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p>	<p>The proposed development lies c. 13.4km north-east of the proposed development site</p>
<p><b>Ireland's Eye SAC [002193]</b></p> <p>[1220] Perennial vegetation of stony banks</p> <p>[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts</p>	<p>The proposed development lies c. 16.2km north-east of the proposed development site</p>
<p><b>Glen of The Downs SAC [000719]</b></p> <p>[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p>	<p>The proposed development lies c. 16.2km south-east of the proposed development site</p>
<p><b>South Dublin Bay and River Tolka Estuary SPA [004024]</b></p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i></p> <p>[A130] Oystercatcher <i>Haematopus ostralegus</i></p> <p>[A137] Ringed Plover <i>Charadrius hiaticula</i></p> <p>[A141] Grey Plover <i>Pluvialis squatarola</i></p> <p>[A143] Knot <i>Calidris canutus</i></p> <p>[A144] Sanderling <i>Calidris alba</i></p> <p>[A149] Dunlin <i>Calidris alpina</i></p> <p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A162] Redshank <i>Tringa totanus</i></p>	<p>The proposed development lies c. 2.6km north-east of the proposed development site</p>

<p>[A179] Black-headed Gull <i>Croicocephalus ridibundus</i></p> <p>[A192] Roseate Tern <i>Sterna dougallii</i></p> <p>[A193] Common Tern <i>Sterna hirundo</i></p> <p>[A194] Arctic Tern <i>Sterna paradisaea</i></p> <p>[A999] Wetland and Waterbirds</p>	
<p><b>Dalkey Islands SPA [004172]</b></p> <p>[A192] Roseate Tern <i>Sterna dougallii</i></p> <p>[A193] Common Tern <i>Sterna hirundo</i></p> <p>[A194] Arctic Tern <i>Sterna paradisaea</i></p>	<p>The proposed development lies c. 6.6km east of the proposed development site</p>
<p>Wicklow Mountains SPA [004040]</p> <p>[A098] Merlin <i>Falco columbarius</i></p> <p>[A103] Peregrine <i>Falco peregrinus</i></p>	<p>The proposed development lies c. 8.1km south-west of the proposed development site</p>
<p><b>North Bull Island SPA [004006]</b></p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i></p> <p>[A048] Shelduck <i>Tadorna tadorna</i></p> <p>[A052] Teal <i>Anas crecca</i></p> <p>[A054] Pintail <i>Anas acuta</i></p> <p>[A056] Shoveler <i>Anas clypeata</i></p> <p>[A130] Oystercatcher <i>Haematopus ostralegus</i></p> <p>[A140] Golden Plover <i>Pluvialis apricaria</i></p> <p>[A141] Grey Plover <i>Pluvialis squatarola</i></p> <p>[A143] Knot <i>Calidris canutus</i></p> <p>[A144] Sanderling <i>Calidris alba</i></p> <p>[A149] Dunlin <i>Calidris alpina</i></p>	<p>The proposed development lies c. 8.7km north-east of the proposed development site</p>

<p>[A156] Black-tailed Godwit <i>Limosa limosa</i></p> <p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A160] Curlew <i>Numenius arquata</i></p> <p>[A162] Redshank <i>Tringa totanus</i></p> <p>[A169] Turnstone <i>Arenaria interpres</i></p> <p>[A179] Black-headed Gull <i>Croicocephalus ridibundus</i></p> <p>[A999] Wetlands &amp; Waterbirds</p>	
<p><b>Howth Head Coast SPA [004113]</b></p> <p>[A188] Kittiwake (<i>Rissa tridactyla</i>)</p>	<p>The proposed development lies c. 13km north-east of the proposed development site</p>
<p>Baldoye Bay SPA [004016]</p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i></p> <p>[A048] Shelduck <i>Tadorna tadorna</i></p> <p>[A137] Ringed Plover <i>Charadrius hiaticula</i></p> <p>[A140] Golden Plover <i>Pluvialis apricaria</i></p> <p>[A141] Grey Plover <i>Pluvialis squatarola</i></p> <p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A999] Wetland and Waterbirds</p>	<p>The proposed development lies c. 13.4km north-east of the proposed development site</p>
<p><b>Ireland's Eye SPA [004117]</b></p> <p>A017 Cormorant <i>Phalacrocorax carbo</i></p> <p>A184 Herring Gull <i>Larus argentatus</i></p> <p>A188 Kittiwake <i>Rissa tridactyla</i></p> <p>A199 Guillemot <i>Uria aalge</i></p> <p>A200 Razorbill <i>Alca torda</i></p>	<p>The proposed development lies c. 16.2km north-east of the proposed development site</p>