



An
Bord
Pleanála

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

Inspector's Report

ABP-305623-19

Strategic Housing Development

Construction of 282 no. apartments
and associated site works.

Location

Parkside 4, Parkside Boulevard,
Dublin 13

Planning Authority

Dublin City Council

Applicant

Cairn Home Properties Ltd

Prescribed Bodies

Inland Fisheries
Transport Infrastructure Ireland
Fingal County Council
National Transport Authority
Irish Water
Irish Aviation Authority

Dublin Airport Authority

Observer(s)

14 submissions received- see
Appendix A

Date of Site Inspection(s)

12th January 2020

Inspector

Lorraine Dockery

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site, which has a stated area of 3.17 hectares and is largely rectangular in shape, is located at the junction of Parkside Boulevard and Balgriffin Park Road, Dublin 13. The site is located approximately 10km north-east of Dublin City centre, less than 2km from Clare Hall shopping centre and approximately 1.4km from Clongriffin train station. It is noted that Main Street is currently under development.
- 2.2. The River Mayne runs to the north of the site and to the west is open space parkland. Within the wider area, land uses are predominantly residential in nature.
- 2.3. The site was previously in use on a temporary basis by two primary schools, which have since relocated. The site is currently undeveloped, brownfield in nature. All buildings have been cleared from the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 282 apartments and associated site works. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	3.17 hectares
No. of residential units	282 apartments
Other Uses	Concierge, Media Room, Gym (530m ²)
Density	89 units/ha (gross); 188 units/ha (nett)
Plot ratio	0.855 (gross); 1.8 (nett)
Site Coverage	14.98% (gross); 31.5% (nett)
Height	4-7 storeys [23 metres (max)]

Part V	28 units- all located within Block D
Public Open Space	16900m ² (53% of gross site area)
Parking	277 car parking spaces 423 bicycle parking spaces

Table 2: Unit Mix

	1 bed	2 bed (3 persons)	2 bed (4 persons)	3 bed	Total
Apartments	94	8	167	13	282
As % of total	33%	3%	59%	5%	100%

- 3.2. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated. It continues by stating that new connection to the water network is feasible without IW upgrades with conditions listed relating to third party infrastructure. In relation to wastewater, new connection to the existing network is feasible without upgrade. A Statement of Design Acceptance from IW was also submitted with the application.
- 3.3. A Screening Report for Appropriate Assessment and Natura Impact Assessment were submitted with the application.
- 3.4. An EIAR was submitted with the application.

4.0 Planning History

Subject Site

3283/13

Temporary permission GRANTED for retention of school buildings in approximate location of Cells P41-P44 (permission expired 29/07/17).

Adjacent Sites:

The Chief Executive report of the planning authority details an extensive planning history for lands within the overall masterplan area and I refer the Bord to same.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 13th June 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Details pertaining to the proposed riverside walkway and riparian buffer to be maintained including clarity as to the alignment of the river vis-à-vis the development site, extent of works including any landscaping proposals within the jurisdiction of Dublin City Council and Fingal County Council. Details should also indicate how the alignment of the walkway will link with the existing river walkway located to the rear of permitted apartment developments along Marrsfield Avenue. Location of proposed crossing points over the river should be clearly indicated with full extent of works detailed and the relevant planning authority's jurisdiction in respect of such works

2. Information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted).
3. An Appropriate Assessment screening report and Natura Impact Statement if considered necessary which should consider inter alia the issue of surface water run-off and in combination effects of relevant Natura 2000 sites
4. Boundary treatment to the proposed site including any proposals for the riverside walkway.
5. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous lands/developments. In this regard details to address the comments set out in the planning authority's Opinion pertaining to elevational treatments including use of external finishes should be addressed.
6. A sunlight/daylight analysis for the proposed development.
7. A site layout plan which clearly identifies the full extent of areas to be taken in charge.
8. A Building Life Cycle Report as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities, 2018.
9. Details to address matters raised in the Transportation Planning Division's Report dated 23rd May 2019
10. Details to address matters raised in the Drainage Division's report dated 27th May 2019
11. Details of any measures required to prevent interference with aviation.

Applicant's Statement

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

6.0 Relevant Planning Policy

National Planning Policy

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

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

Local Planning Policy

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

Zoning:

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

A small portion of the site north of the Mayne River is located within the Fingal County Council administrative area and is zoned ‘Open Space’ under the Fingal County Development Plan 2017. This area of the site is proposed to be landscaped.

The site is located within the:

- Strategic Development and Regeneration Area 1 North Fringe (Clongriffin-Belmayne) (SDRA 1)
- 'Belmayne Next Phase 3' of the Clongriffin-Belmayne (North Fringe) LAP 2012-2018 (extended to 2022)

Section 16.7 Building Height

- Low Rise/Outer City- Maximum Height 16m/5 storeys for residential
- Within 500m of a DART station- Maximum height 24m/8 storeys for residential

Map J- Strategic Transport and Parking Areas

- Zone 3
- Residential car parking standard of 1.5 spaces/dwelling. Cycle parking 1 per unit for all zones.

7.0 Third Party Submissions

7.1. In total, 14 submissions were received. Of these, 4 were from public representatives, with one each from Parkside Residents Association and Castlemoyne residents.

7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

- Some submissions state that they are not opposed to residential development on the lands, but have issue with particular aspects of the proposal
- Impact on residential amenity- visually intrusive, loss of light, overshadowing, overlooking
- Height, scale, form, massing and density
- Contravention of City Development Plan and LAP- mixed use zoning therefore proposal should have greater mix of uses proposed
- Residential development being given priority over other forms of land use- constitutes bad planning

- Inadequate infrastructure and amenities- social, educational, transport, open space
- Impacts on riparian corridor/ concerns regarding pollution
- Drainage/Flooding
- Proposed path across road near bridge may have implications for flooding
- Traffic/Transport concerns: Inadequate car parking provision, existing traffic congestion
- Cumulative extent of social housing provision across varying phases
- Extent of rental units
- Other matters: submission of social audit; failings of principle of SHD

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 05th December 2019. The report may be summarised as follows:

Information Submitted by the Planning Authority

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

Summary of Inter-Departmental Reports

Drainage Division: No objections, subject to conditions

Transportation Division: No objections, subject to conditions

Parks and Landscape Services: No objections, subject to conditions

Planning and Property Development Department: Cairn Homes Properties Ltd has previously engaged with the Housing Department in relation to the above

development and are aware of the Part V obligations pertaining to this site if permission is granted

Archaeology Section: Condition recommended in relation to archaeological monitoring

The main points raised in the assessment were as follows:

LAP: Largely accords with objectives of LAP

Density: considered to be in line with requirements of the objectives of the NPF2040 in the interests of urban consolidation

Design & Integration: No concerns raised

Height: Proposed elements of the scheme contravene the provisions of the CDP 2016 and the LAP, notes that the subject development would subscribe to national guidelines

Visual Impacts: A reduced level of render should be utilised

Landscaping/Planting: No objections raised; conditions re: use of vents recommended

Unit Mix/Size: No objections raised

Ancillary/Supporting Amenities: Noted not a build to rent scheme

Floor to Ceiling Heights: Meet national standards

Bin storage/waste management: Conditions attached

Dual Aspect: Generally acceptable

Open Space: Report noted

Childcare Facilities: No objections raised

Daylight and Sunlight/ Glint and Glare: No objections raised

Micro-climate/potential light pollution: No objections raised

Overlooking/Privacy: Some concerns raised in relation to proximity of some ground floor units' windows/patios to public realm, general circulation areas or ant entrance zones; privacy of some balconies/apartment windows due to proximity/orientation to each other- preferable that there was more of a hit and miss arrangement of

opposing apartment doors along the long apartment corridors

Traffic/Access/Parking: Broadly satisfied with development subject to conditions

Social Audit (community infrastructure/services): report noted

Archaeology: Condition recommended

Construction Management/Phasing: No objection raised

Existing Biodiversity: existing environment has a relatively low local bio-diversity value with limited natural cover and no buildings left on site to be colonised- no objections raised

AA Screening: Considered that the proposed development either individually or cumulatively in combination with other identified plans and projects, will not adversely affect the integrity of any Natura 2000 sites

EIAR: Submission noted

Concludes that having regard to the nature and scale of the proposed development, the established pattern of development in the area and the relevant provisions of the Clongriffen-Belmayne LAP, SDRA 1 and the current Development Plan, it is considered that the proposed development would be consistent with the provisions of these plans and therefore be consistent with the proper planning and sustainable development of the area and will allow for the continued progression towards the long terms objectives for the completion of the 'North Fringe' urban development area in the interests of urban consolidation of the city area.

Conditions attached

The report includes a summary of the views of relevant Elected Members, as expressed at the North Central Area Committee meeting held on 15/11/19 and are broadly summarised below:

- Role of public representatives in SHD process
- Role of LAP in SHD applications
- Density/height/overdevelopment

- Traffic/transport concerns
- Part V location
- Use of media centre
- Impacts on amenity/consultation with local residents
- Lack of community facilities, infrastructure, local employment
- Lack of green energy
- SuDS
- Waste/recycling/composting facilities

9.0 Prescribed Bodies

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

- Fingal County Council:
- Irish Water:
- Inland Fisheries Ireland:
- Transport Infrastructure Ireland:
- National Transport Authority:
- Irish Aviation Authority:
- Dublin Airport Authority:

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

Irish Water:

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

Irish Aviation Authority:

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

Inland Fisheries Ireland

Development is adjacent to the Mayne River. This is a non-salmonid system, however IFI are currently assessing the viability of a salmonid reintroduction programme.

Appropriate best practice construction measures recommended and conditions attached

Transport Infrastructure Ireland

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

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

10.0 Assessment

10.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dublin City Development Plan 2016; the provisions of the Fingal County Development Plan 2017; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations. I have visited the site and its environs. In my mind, the main issues relating to this application are:

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

10.2. Principle of Proposed Development

10.2.1. Having regard to the nature and scale of development proposed, namely an application for 282 residential units located on lands for which residential development is anticipated to be the predominant use under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. I am also of the opinion that the proposal is generally consistent with the City Development Plan's Z14 zoning objective.

10.2.2. It is noted that a small part of the subject site lies within the administrative boundary of Fingal County Council. This area is zoned as 'Open Space' with the objective to 'preserve and provide for open space and recreational amenities'. This area is to be

landscaped as open space with no built development being located thereon. This is considered acceptable.

10.2.3. The site was formerly occupied on a temporary basis by two schools. The site forms part of a larger area of planned residential development and the lands have the benefit of the 'Clongriffin-Belmayne LAP (extended to 2022) and the site itself is referred to as 'Parkside Phase 4'. It is located within the SDRA 1 North Fringe, which reaffirms the general objectives of the LAP. Guiding principles for this SDRA have been outlined within the operative City Development Plan. I note that the North Fringe has been identified in national policy as one of four key locations within the Dublin City Council administrative area to deliver significant residential development. I am of the opinion, as is the planning authority, that the proposal largely accords with the objective of the LAP for the area.

10.2.4. I note that the applicants have submitted a material contravention statement in relation to the matter of height, density, residential yield and phasing and have advertised same within their public notices, as required under the legislation. Reference is made within the statement to the adoption of Urban Development and Building Heights – Guidelines for Planning Authorities (2018) as the main justification for the development proposed. The proposal ranges from 3-7 storeys with a density of 188 units/ha nett. The issue of density is dealt with below. The proposal breaches section 16.7 of the operative City Development Plan which allows for a maximum height of 16 metres in the outer city (up to 24m beside rail stations). The Development Plan recognises the North Fringe as suitable location for Mid-Rise developments, up to 50 metres, subject to the provisions of the LAP/SDZ/SDRA.

10.2.5. While the LAP and SDRA1 have specific height objectives in certain areas within the LAP, such height provision has not been detailed for this specific site. This is acknowledged by the applicants in their Material Contravention Statement. It is acknowledged by the PA, and I would concur, that the subject site is not dissimilar in characteristics to other sites which have the benefit of specific heights. In addition, the proposed heights are similar to that being developed along Marrsfield Avenue, particularly the 5-6 storey elements.

10.2.6. The proposed scheme is primarily 6 storeys in height (circa 20 m) with step-down noted, together with one landmark 7 storey element, (circa 23 m). The phasing, as proposed, is considered reasonable and sequential in nature. Under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. It is noted that in the short term to 2020, the Housing Agency has identified a need for at least 45,000 new homes in Ireland’s five cities, more than 30,000 of which are required in Dublin city and suburbs, which does not include for additional pent-up demand arising from under-supply of new housing in recent years. In the longer term to 2040, the NPF developments a need for a minimum of 550,000 new homes, at least half of which are targeted for provision in Ireland’s five cities (Objective 3b). The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland’s cities to be provided within the existing urban envelope (Objective 3a). A significant and sustained increase in housing output and apartment type development is necessary. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I

have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal.

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

10.3. Design and Layout

10.3.1. The proposal involves the construction of 282 residential apartments in four no. blocks, which run parallel to each other with north-south orientation at Parkside Boulevard, Dublin 13. The proposal ranges from 3- 7 storeys in height. I note the development that has been permitted, some of which are currently under construction, within the wider area. In summary, it is noted that the proposal is Phase 4 of the overall Parkside Development. Phase 1, 2A, 2B, 3 are stated to be complete, while 2C is nearing completion. Phase 5A has been recently permitted by the planning authority (Ref. 3791/18) with Phase 5B and 6 being the subject of future planning applications. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. I would concur with the applicants when they state that the proposed development will effectively complete the pattern of development currently permitted or under construction to the east and will provide an appropriate urban design and architectural response to the emerging context. I note that the previously permitted phases of development, as constructed, are finished to a relatively high standard and are considered to be an attractive place in which to reside.

10.3.2. The mix of units at 94 x 1 bed; 175 x 2 bed and 13 x 3 bed units is considered acceptable. This would lead to a good population mix within the scheme. The

proposed mix would cater to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Unit size is also acceptable and most units are in excess of minimum standards.

10.3.3. Density as proposed, at approximately 89 units/ha (gross)/188 units/ha (nett), is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines. I note the LAP states that a density range of 35-50 units/ha at this location, however the planning authority clarifies that this was regarded as being indicative rather than a strict maximum policy. The LAP recognised that density will vary due to location, unit type and design. The planning authority states that it was agreed that the overall target density should not be taken as a limitation on increased densities. Similarly, it is noted that the operative City Development Plan prescribes no upper density on zoned land. The planning authority in their Chief Executive Report refer to permitted developments in the vicinity with densities in excess of 230 units/ha and they have not raised concern in relation to the density proposed in this instance. I too am satisfied with the density proposed and consider the density to be appropriate at this location. I also refer the Board to the Urban Development and Building Height Guidelines (2018) which encourage consolidation and densification at appropriate locations. I consider this to be an appropriate location for the density proposed.

10.3.4. Public open space is provided by way of two main areas, one in the centre of the site between Blocks B and C (referred to as POS A in the submitted documentation) and the second, located to the east side of the development (referred to as POS B in the submitted documentation). It is stated in the documentation that these two areas account for approximately 11% of the gross site area and it is noted that much of it is located at podium level. In addition to this, the proposal includes for further development of the Mayne River linear park, which will be directly accessible from the proposed development. The provision of this park is welcome, however it is noted that a sensitive approach to its design is necessary. If the Bord is disposed towards a grant of permission, I recommend that details pertaining to the landscaping of all areas of public/communal open space be agreed with the planning authority, prior to the commencement of any works on site. Communal open space is provided primarily at podium level by means of courtyard gardens. Private open space is provided by means of balconies/terraces to all units. A landscape plan and

associated drawings have been submitted with the application, as has a Landscape Report. I am generally satisfied with the information before me with regards to the issue of landscaping and I note that a high quality scheme is proposed in this regard. A high degree of passive surveillance is noted. Permeability through the site is good.

- 10.3.5. The issue of height has been dealt with above and I refer the Board to same.
- 10.3.6. Materials and finishes proposed would integrate with the finishes on the existing permitted development in the wider area. The elevational treatment, while acceptable, is quite generic in nature. I have some concerns with regards the extent of render proposed, and how it is to weather into the future in the Irish climate. I consider that the extent of render proposed should be reduced. Exact details relating to same should be dealt by means of condition, if the Bord is disposed towards a grant of permission.
- 10.3.7. It is noted that a childcare facility is not proposed in this application. I note the argument put forward by the applicants in this regard within the submitted Crèche Audit. I also note that a childcare facility has been permitted of circa 507m² within Parkside (under Ref. 3486/17) and I am of the opinion that the development will be satisfactorily served by the existing and previously permitted childcare facilities in the wider area. Having regard to all of this information, I consider that the lack of such a facility to be acceptable in this instance.
- 10.3.8. In relation to Part V, it is noted that 28 units are proposed, all located within Block D. In my opinion, while the idea of pepper-potting them throughout the scheme is a superior alternative, I do understand the advantages in terms of management to have them located within the one block. The planning authority have not raised issue in this regard and I am satisfied with same.
- 10.3.9. Having regard to all of the above, I consider that the design, height, layout, density and unit mix to be acceptable in this instance. The layout is such that it respects the Z14 zoning of the site whilst at the same time, provides a high quality, compact, sustainable development.

11.0 Impacts on Amenity

- 11.1.1. The application is accompanied by a Landscape and Visual Impact Assessment, together with verified CGIs and photomontages. The information contained therein is considered acceptable.
- 11.1.2. The issues of impacts on amenity has been raised in many of the submissions received. Concerns have been raised, *inter alia*, in relation to overlooking, overshadowing, loss of light and impacts on privacy. I have examined all the documentation before me and it is acknowledged that the proposal will result in a change in outlook for some of the local residents, as the site changes from an undeveloped piece of land to a site accommodating development of the nature and scale proposed. Given the location of the site, I do not consider this change to be a negative. This is an undeveloped piece of serviceable land, where residential development is open for consideration. As has been previously stated, the development site is located within a newly emerging part of the city, in close proximity to public transport links and where pedestrian and cycle connectivity is good. The proposal will offer a benefit to the wider community by virtue of its public open space provision, and the connectivity through to adjoining lands.
- 11.1.3. Having regard to the orientation of the site, the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity. Given the orientation of the site, together the design and layout of the proposed scheme, I consider that overlooking, overshadowing or loss of light to adjoining properties would not be excessive in this instance and would not be so great as to warrant a refusal of permission. A Daylight, Sunlight and Overshadowing Study has been submitted and I am generally satisfied with the results and conclusions outlined therein. I consider that impacts on privacy would not be so great as to warrant a refusal of permission. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity. This is an urban location and some degree of overlooking/overshadowing/loss of light is to be anticipated at such locations.
- 11.1.4. There may be some noise disruption during the course of construction works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance

once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

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

Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. As stated above, a Daylight, Sunlight and Overshadowing Study was submitted with the application and it contains a scientific and robust analysis, with which I am satisfied. It is noted that a small number of apartments fall below the BRE guidelines for daylight but this is based on a worst case scenario. I note that external balcony space is proposed to all units. This is considered acceptable in this instance.

11.1.6. Development Plan standards have been generally met in relation to issues such as number of dual aspect units, ceiling heights, floor areas and private open space provision. Residential amenity space in the order of 530 square metres is proposed within Block B. I am satisfied that the proposal would be an attractive place to live for any future occupants.

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

11.2. Traffic and Transportation

11.2.1. The proposal seeks to close the existing vehicular access serving the two temporary schools from Parkside Boulevard and create a new vehicular and cycling access, approximately 50 metres to the west, which will provide access to the basement carpark. An additional two accesses, one opposite the junction with Parkside Way and one to the west of the proposed basement access will provide access for emergency vehicles only. Upgrading works are also proposed to Parkside Boulevard, which include for an uncontrolled crossing. In terms of parking provision, 286 car parking spaces are proposed (277 basement; 9 surface), together with 423

bicycle parking spaces (289 basement; 134 surface). I note that many of the submissions received raise concerns in relation to traffic and transportation issues. Some submissions state that the proposal includes for too little parking while others raise issue with the extent of traffic congestion in the area.

- 11.2.2. A speed limit of 50 kph is applicable to Parkside Boulevard. Segregated pedestrian/cyclist paths are provided on both sides of the road in the vicinity of the site. In addition, it is noted that there is a green route (walk/cycle) available which connects Belmayne Avenue to Hole in the Wall Road via the Parkside development. This green route is currently partially open from Hole in the Wall Road up to the proposed development site. It is stated in the documentation that this green route will open in its entirety following the completion of construction in the adjoining sites. The nearest bus routes are route numbers 15, 27 & 27X, which travel along the R139 approximately 540m to the south of the subject site. Details in relation to proposed routes for BusConnects have also been submitted. It is also noted the Clongriffin rail station is located approximately 1.4 km east of the subject site.
- 11.2.3. A Traffic and Transport Assessment, Mobility Management Plan and DMURS Design Statement have been submitted with the application. Baseline surveys were not undertaken specifically for this development, but the documentation makes reference to traffic flow surveys carried out for other recent nearby planning applications, namely Ref. 4214/18 Belmayne Main Street. These surveys indicate that the AM peak time is between 7.45am and 8.45am, while the PM peak period is between 16.15pm and 17.15pm. It is anticipated that the proposed development would result in the generation of 83 and 77 new vehicle trips in the AM and PM peak hour periods respectively. The TIA concludes that the proposed development will result in nominal effects on the operation of the site access junction and the surrounding local road network. An analysis of likely impact on 4 junctions was undertaken and the findings show that only one junction (site access junction) would exceed the threshold for junction impact.
- 11.2.4. In relation to parking, it is noted that a Car Parking Management Strategy has been submitted with the application. The proposed development is located within Parking Zone 3, as identified on Map J of the operative City Development Plan, which allows for a maximum of 1.5 spaces per residential unit. The proposal provides for 0.9 spaces per residential unit.

- 11.2.5. Having regard to the location of the site and its proximity to quality public transport, together with section 28 ministerial guidelines which allow for reduced standards of parking at certain appropriate locations, I consider that the quantum of spaces being provided is acceptable at this location. I note that the planning authority, in their Chief Executive Report has not raised concern in relation to this matter. The Transportation Division of the Planning Authority recommends a grant of permission, subject to conditions. In terms of cycle parking, I note that the planning authority have discretion to relax the standards set out in the Apartment Guidelines. Again the planning authority has raised no issue with the quantum of cycle parking space proposed and I am also satisfied in this regard.
- 11.2.6. Given the location of the site within an urban area on zoned lands, I do not have undue concerns in relation to traffic or transportation issues. The Planning Authority in their report also raises no concerns in relation to such matters, subject to condition. I acknowledge that there will be some increased traffic as a result of the proposed development, however there is a good road infrastructure in the vicinity of the site with good cycle/pedestrian facilities. Public transport is available in close proximity and it is anticipated that this will be improved upon in the coming times, as the population of this wider area increases. The reports of both the planning authority and the TII are noted in this regard. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

11.3. Drainage

- 11.3.1. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required, as has a Statement of Design Acceptance. The Pre-Connection Enquiry states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. It continues by stating that in relation to water, that the proposed connection to the Irish Water network is via infrastructure that has not been taken in charge by Irish Water. The subsequent Statement of Design Acceptance states that based on the information provided, Irish Water has no objections to the proposal.

- 11.3.2. An Infrastructure Design Report, Ground Investigation Report and a Site Specific Flood Risk Assessment were submitted with the application. The information contained within these documents appears reasonable and robust. A report was received from Irish Water, at application stage, which raises no objections to the proposal. The report of the Engineering Department of the planning authority, as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions.
- 11.3.3. A detailed assessment of drainage and flooding has been undertaken in the 'Hydrology and Water Services' section of the EIAR below and I refer the Board to same. I note that this is a serviced, appropriately zoned site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that the matter of drainage and flooding can be adequately dealt with by means of condition and I have no information before me to believe that the proposal if permitted would be prejudicial to public health.

12.0 Other Matters

- 12.1.1. Chapter 14 of the submitted EIAR deals with the matters of archaeological and cultural heritage (see below). It is stated that the nearest Recorded Monument is within 124 metres of the site, in the townland of Balgriffin Park. It is acknowledged by the planning authority that the site is one of archaeological potential, located immediately east of the Zone of Archaeological Constraint for two recorded monuments, a church (DU015-012) and a possible castle site (DU015-062). These are listed on the Records of Monuments and Places and are subject to statutory protection. It is noted that the subject site was partially archaeologically tested in 2008 and this did not result in the recording of any archaeological features. It is recommended by the Archaeology Section of the planning authority that a condition of archaeological monitoring be attached to any grant of permission. I would concur with this recommendation consider that if the Bord is disposed towards a grant of permission, the issue of archaeology could be dealt with by means of condition.

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

13.0 Environmental Impact Assessment

13.1. Statutory Provisions

- 13.1.1. This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 13.1.2. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.
- 13.1.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:
- 500 dwellings
 - an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

13.1.4. The development proposes 282 residential units and has a stated area of approximately 3.17 hectares, located within the built-up area. It therefore falls below the above thresholds and does not require mandatory EIA. However, section 1.4 of the EIAR provides the applicant's rationale for a sub-threshold EIA with regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), due to its size and scale, the proposed use of natural resources, the relative environmental sensitivity of the location and the types of potential cumulative impacts from the previously permitted phases of the Parkside development (as also constructed by the applicant). I would concur with this assessment. As per article 102 of the 2001 Regulations, a planning application for sub-threshold development accompanied by an EIAR shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act of 2000.

13.1.5. The EIAR contains three volumes, which includes a Non-Technical Summary. Chapters 1-3 inclusive set out an introduction to the development, background to proposed development, methodology used, description of the proposed development.

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

- Population and Human Health
- Biodiversity
- Land, Soil and Geology
- Hydrology and Water Services
- Noise and Vibration
- Climate and Air Quality
- Landscape and Visual
- Traffic and Transportation
- Material Assets
- Waste Management
- Archaeological and Cultural Heritage
- Interactions
- Schedule of Mitigation Measures

- 13.1.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.
- 13.1.8. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and observers has been set out above.
- 13.1.9. This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed above.

13.2. Alternatives

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

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

- 13.2.2. Section 2 of the submitted EIAR deals with alternatives and sets out alternative locations, layouts and designs considered. It is considered that the issue of alternatives has been adequately addressed in the application documentation.

13.3. Assessment of Likely Significant Direct and Indirect Effects

- 13.3.1. Population and Human Health

Section 4 of the EIAR is entitled population and human health. The site is located to in the ‘North Fringe’ area of Dublin, circa 9km north of the city centre, with the site currently vacant, having been previously occupied on a temporary basis by two schools. The Census of 2016 indicates that the Grange A Electoral Division (in which the site is located) had a population of 9,696 persons.

It is concluded that the proposed development will provide good quality housing units for existing and future residents of the city. The proposal will contribute positively to the community by improving the vibrancy and vitality of the area and in the growth of

the community. Mitigation measures have been outlined that will ensure no significant negative impacts/effects on human health or population.

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

13.3.2. Biodiversity

Section 5 of the EIAR refers to biodiversity (flora and fauna). Site surveys were undertaken on 29th January 2019 and May 28th 2019. The site is described as open grassland and artificial surfaces within a built-up area, albeit adjacent to the River Mayne. The site is not within or adjacent to any area designated for nature conservation at a national or international level. The nearest designated site, Baldoyle Bay SPA/SAC is located within 2km of the development site. There are no habitats that are examples of those listed on Annex I of the Habitats Directive or records of rare or protected plants. Japanese Knotwood is present on the site at one location. Although a number of mammals are known to be present within 10km of the site, there are no habitats on the site which are suitable for the majority of the species. There was no evidence of badgers or hares using the site. No direct evidence of any mammal using the site was recorded. Features of the site are of low suitability for roosting bats as there are no old buildings or veteran trees. A Bat Assessment was submitted with the application and its contents are noted. Three bat species were recorded during the bat surveys and the level of bat activity was considered to be low. Species of birds noted are of low conservation concern/green list. No salmonids were found in the River Mayne.

Potential impacts have been identified, together with potential cumulative impacts. New planting will be incorporated into the landscape design. A management plan has been prepared to ensure that Japanese Knotwood is eradicated and not allowed to spread. Mitigation measures and good site management practices have been outlined. It is noted that after mitigation, no significant residual effects are likely to arise to biodiversity arising from either the construction or operational phases of development.

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

13.3.3. Land, Soil and Geology

Section 6 of the E IAR deals with land, soil and geology. Preliminary ground investigations were undertaken between May and June 2019. The majority of the site's topsoil layer consists of 'mineral alluvium' while the southern boundary of the site consists of a topsoil layer described as 'mineral poorly drained'. Ground investigations revealed a maximum overlaying of 0.4m of topsoil. Site development works will involve stripping the topsoil layer, with excavation of the subsoil. Where feasible, excavated material will be re-used on site, potential impacts have been outlined, together with mitigation measures.

I have considered all of the written submissions made in relation to land, soil and geology. 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, soil and geology.

13.3.4. Hydrology and Water Services

Section 7 of the submitted EIAR deals with hydrology and water services. The site is bound to the north by the Mayne River, which discharges to the sea at Belcamp, approximately 2.5km east of the site. The River Mayne has been classified as poor based on 2016 EPA data. The geology of the site is 'Argillaceous Bioclastic Limestone, Shale' while the GSI classifies the site's groundwater vulnerability as moderate. The underlying aquifer is classified as 'Locally Important'.

In terms of surface water drainage, there is an existing surface water sewer within the site running parallel to Parkside Boulevard. These sewers have not yet been taken in charge. The proposed development will be attenuated in a geocellular

underground attenuation facility and outflow will be controlled using a vortex flow control device, limiting the discharge rate to 2l/s/ha in accordance with GDSDS and Dublin City Council requirements. Approximately 70% of roof area will be green roofs. In terms of foul water drainage, the North Fringe Sewer was constructed under the alignment of Parkside Boulevard in 2002. No building basement or structures are proposed within the wayleave of this sewer. In terms of water supply, similar to North Fringe sewer, a 450mm diameter watermain was constructed under Parkside Boulevard as part of the North Fringe enabling works. No buildings, basements or structures are proposed within the wayleave of this watermain. In addition, a series of existing watermains have been laid as part of the recently constructed Parkside Development to the south of Parkside Boulevard.

A Site Specific Flood Risk Assessment has been undertaken. A review of the Fingal East Meath CFRAM flood maps indicated a potential flood risk along the site's northern extents (Mayne River Floodplain) in the predicted 1% AEP and 0.1% AEP storm events. The flood events have been outlined on the submitted topographical survey. The extent of the 0.1% AEP Flood Event was marginally encroaching on the proposed residential development. In order to allow a regularised development to proceed, it is proposed to modify the floodplain and provide floodplain compensation on a 'level for level' basis. This strategy was agreed with the Waster Services Division of the planning authority. On completion of a Stage 2-Initial Flood Risk Assessment, it was concluded that the proposed residential blocks will be located in Flood Zone C following a slight modification of the floodplain. The green open space to the NE of the proposed blocks is located within Flood Zone A and B, but there is no development proposed in this area. A Justification Test was also undertaken as some of the proposed blocks were located within a pre-development Flood Zone A and B. On completion of the Justification Test, it was concluded by the applicants that the proposed development will have a robust level of protection up to the 100 year return event.

Potential cumulative impacts have been assessed and mitigation measures are proposed.

I have considered all of the written submissions made in relation to hydrology and

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

13.3.5. Noise and Vibration

Section 8 of the submitted EIAR deals with noise and vibration. Baseline noise monitoring and an environmental noise survey were undertaken across the development area to determine the range of noise levels at varying locations across the site. Prevailing noise levels in the locality are primarily due to local road traffic. The closest neighbouring noise sensitive receptors to the proposed development are residential properties to the north and south, together with residential development under construction to the west, which are located approximately 20-30m from the EIAR Study area boundary. There is potential for generation of elevated noise levels during construction phases, due to the nature of the works (negative, moderate and short-term). Mitigation measures have been outlined. Once operational, the predicted change to noise levels associated with additional traffic is predicted to be imperceptible and well within adopted day and night-time limits.

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

13.3.6. Climate and Air Quality

Section 9 of the submitted EIAR deals with climate and air quality. The existing ambient air quality in the vicinity of the site has been characterised with information obtained from a number of sources. Baseline data for the existing air quality

environment, together with data available from similar environments indicates that levels of nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns and less than 2.5 microns and benzene are generally well below the national and European Union ambient air quality standards. The greatest potential impact on air quality during the construction phase is from construction dust emissions and the potential for nuisance dust. In order to minimise dust emissions during construction, a series of mitigation measures have been prepared in the form of a Dust Minimisation Plan. When the dust minimisation set out in the Plan are implemented, air quality impacts during construction phase will not be significant.

Potential cumulative impacts have been examined. Mitigation measures for construction and operational phases have been outlined.

I have considered all of the written submissions made in relation to climate and air quality. 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 climate and air quality.

13.3.7. Landscape and Visual

Section 10 of the submitted EIAR deals with landscape and visual. Photomontages were submitted in this regard. It is stated in the submission that the receiving environment is not inherently sensitive to the proposed change. I would concur with this. During construction, the site and immediate environs would be heavily disturbed, primarily in the form of setting up hoarding, site clearance and building process required to construct development. Construction effects however will be moderate and negative, but temporary in duration.

Once completed, and in operation, it is anticipated that the proposal would have a positive, moderate impact upon the townscape. Impacts on visual amenity are stated to be significant/moderate and positive on all viewpoints examined. Cumulative impacts have been examined. Mitigation measures are not proposed, other than standard best practice construction site management.

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

13.3.8. Traffic and Transportation

Section 11 of the submitted EIAR deals with Traffic and Transportation. The issue of traffic and transport has also been dealt with in my assessment above. A Site Audit, traffic counts, trip generation/distribution exercise and network analysis were undertaken. It is stated that all construction activities will be governed by a Construction Traffic Management Plan, to be agreed with the planning authority, prior to commencement of development.

Likely impacts of construction works will be short-term in nature. During the operational phase, it is anticipated that there will be two distinct weekday peak times 07.45-08.45 and 16.15-17.15. The development traffic will be accommodated by one access junction onto Parkside Boulevard. Potential impacts at key junctions have been assessed and it is anticipated that impacts on surrounding road network will be nominal. PICADY analysis showed that the proposed site access junction will operate within capacity for all scenarios assessed. The proposal supports the Clongriffin-Belmayne LAP objectives of improving pedestrian and cycle connections through the LAP lands. It is concluded that the impact on the surrounding road impact, as a result of the proposed development will be negligible. Cumulative impacts were also assessed. Mitigation measures have been proposed.

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

13.3.9. Material Assets

Section 12 of the submitted EIAR deals with Material Assets. It is proposed to provide a watermain connection for the proposed development from the existing 250mm diameter watermain constructed as part of the Parkside Development. Foul flows from the development will discharge to the North Fringe sewer via the existing 300mm connection. No drainage works are required to the North Fringe sewer. There is an existing surface water sewer within the site. Existing utilities services are described, together with predicted impacts and mitigation measures.

Some local impacts have been identified during the construction phase of development. Mitigation measures have been proposed. Predicted impacts during construction stage are stated to be neutral, if mitigation measures are incorporated into the development with neutral long-term impact during the operational phase.

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

13.3.10. Waste Management

Section 13 of the submitted EIAR deals with Waste Management. A site specific Construction Waste Management Plan has been prepared for the construction phase of the development. In addition, an Operational Waste and Recycling Management Plan has been prepared for the operational phase of development. Estimates of waste generation during both the construction and operational phase of the proposed development have been calculated. No demolition works are required.

Mitigation measures have been proposed to minimise effects on the environment during both the construction and operational phases of development, to promote efficient waste segregation and to reduce the quantity of waste requiring disposal. It is stated that impacts on the environment during construction phase will be short-term, neutral and imperceptible while during the operational phase will be long-term,

neutral and imperceptible.

I have considered all of the written submissions made in relation to Waste Management. 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 Waste Management.

13.3.11. Archaeological and Cultural Heritage

Section 14 of the submitted EIAR deals with Archaeological and Cultural Heritage. It also includes for an archaeological impact assessment, which is quite generic in nature. There are six recorded monuments and one site listed in the SMR within 500m of the proposed development site. The closest of these is a building (DU015-062003) and the site of a 16th/17th century houses (DU015-062002) located approximately 124m and 129 metres west of the site respectively.

No geophysical surveys and/or archaeological testing was carried out as part of this development application. However, a programme of archaeological testing, which included for geophysical surveys was previously carried out within part of the proposed development area prior to the construction of the former school on the site and also within the wider area as part of previous applications. This is considered acceptable. Nothing of archaeological significance was discovered at that time. It is noted that imported material was common across the area tested, particularly on the location of the former pond depicted in the first edition OS mapping of 1843.

It remains possible that previously unknown archaeological or cultural heritage outside of the previously excavated trenches exist that may be impacted upon as a result of the development going ahead. However, mitigation measures have been proposed. Cumulative impacts are not anticipated and no impacts have been identified during operational phase.

I have considered all of the written submissions made in relation to Archaeological and Cultural Heritage. I refer the Board to my assessment of same above. I am satisfied that they have been appropriately addressed in terms of the application and

the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on Archaeological and Cultural Heritage are likely to arise

13.3.12. Interactions

Section 15 of the submitted EIAR provides a summary of principal interactions and inter-relationships, which have been discussed in the preceding chapters.

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

13.3.13. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and human health impacts mitigated by appropriate construction and operational management plans
- Biodiversity impacts mitigated by a Japanese Knotweed Management Plan; lighting sensitivity; additional planting/landscaping and appropriate work practices
- Soils and geology impacts mitigated by construction management measures including minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Hydrology and Water Services impacts to be mitigated by management of surface water run-off during construction while Operational impacts are to be mitigated by surface water attenuation to prevent flooding.

- Landscape and Visual impacts mitigated appropriate best practice construction site management and by proposed landscaping.
- Archaeological and Cultural Heritage impacts mitigated by archaeological monitoring of ground disturbance works
- Climate and Air Quality impacts mitigated by dust minimisation plan
- Traffic and Transportation impacts mitigated by the management of construction traffic; Construction and Environmental Management Plans
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.

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

13.4. Appropriate Assessment

- 13.4.1. An Appropriate Assessment, Stage 1 Screening Report and a Natura Impact Statement were submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within these reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.
- 13.4.2. The Screening Report states that the site is not located within or directly adjacent to any Natura 200 area. The site lies within the built-up residential zone of the city and is predominantly composed of surfaces that are sealed with tarmacadam and concrete. The River Mayne runs along the north of the site and the riparian zone is

mostly open and grassy. There are no habitats which are examples of those listed in Annex I of the Habitats Directive on the site. Japanese Knotweed, an invasive species is found in one location close to the Mayne River. Currently there is no attenuation of rainwater run-off and surface water is likely to percolate to the ground/follow surface pathways to the River Mayne. In accordance with the Greater Dublin Strategic Drainage Study this project will incorporate sustainable drainage systems (SuDS), which will include underground attenuation and controlled release via an oil/grit interceptor and an existing outfall to the River Mayne. A flood risk assessment was undertaken, which found that the development footprint partly infringes upon the Mayne River floodplain. To ensure all homes are located outside a flood zone A or B, it is planned to create a new flood compensation area. While linked to the river, it is not proposed to undertake any works to the river itself or its riparian zone.

13.4.3. Foul effluent from the proposed development will be sent to the wastewater treatment plant at Ringsend, Dublin. It is acknowledged that emissions from the plant are currently not in compliance with the Urban Wastewater Treatment Directive, however Irish Water was granted permission to upgrade the Ringsend plant (April 2019). This will see improved treatment standards and will increase network capacity by 50%, with a target completion date of 2022. There are no other discharges from this operation. Fresh water supply for the development will be via a mains supply.

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

Site Name and Code
Howth Head SAC (000202)
Baldoyle Bay SAC (000199)
Rockabill to Dalkey Island SAC (003000)
Malahide Estuary SAC (000205)
Ireland's Eye SAC (002193)
Rogerstown Estuary SAC (000208)
Lambay Island SAC (000204)

South Dublin Bay SAC (000210)
North Dublin Bay SAC (000206)
North Dublin Bay SPA (0206)
Ireland's Eye SPA (004117)
Howth Head Coast SPA (004113)
South Dublin Bay and River Tolka Estuary SPA (004024)
Lambay Island SPA (004069)
Baldoyle Bay SPA (004016)
Malahide Estuary SPA (004025)
Rogerstown Estuary SPA (004015)
Poulaphouca Reservoir SPA (004063)

- 13.4.5. Qualifying Interests/Features of Interest have been outlined within the Stage 1 Screening Assessment for each of the designated sites listed above.
- 13.4.6. The nearest designated site is Baldoyle Bay SAC/SPA, approximately 1.7km from the development site.
- 13.4.7. The proposed development lies outside the boundaries of any Natura 2000 site and therefore there will be no reduction in habitat. There will be no fragmentation/loss or disturbance of any designated site, given the separating distances involved. Wetland birds are known to feed on amenity grassland areas, which are located at various points around Dublin city. No such areas are known within the Belmayne/Clongriffin area. The development is not likely to result in any ex-situ impacts.
- 13.4.8. Conservation objectives for designated SACs within Dublin Bay relate to habitat area, community extent, community structure and community distribution within the qualifying interest. Conservation objectives for SPAs within Dublin Bay for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space. Water quality is not listed as a conservation objective for these designated sites within Dublin Bay.

13.4.9. There is an indirect pathway through the foul sewer to Dublin bay via the Ringsend WWTP. However, there is no evidence that poor water quality is currently negatively effecting the conservation objectives of Natura 2000 areas in Dublin Bay. There is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA. It is also acknowledged that the planned upgrading of the Ringsend WWTP will address future capacity demand. Consequently, pathways to a number of Natura sites have been identified- Baldoyle Bay SAC and SPA, South Dublin Bay SAC, the North Bull Island SPA and the North Dublin Bay SAC. The Poulaphouca Reservoir SPA is also considered to fall within the zone of influence of this project.

South Dublin Bay cSAC	North Dublin Bay cSAC	North Bull Island SPA	Poulaphouca Reservoir SPA	Baldoyle Bay SAC	Baldoyle Bay SPA
Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows Mediterranean salt	Light-bellied Brent Goose Shelduck Teal Pintail Shoveler Oystercatcher Golden Plover Grey Plover Knot Sanderling Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Turnstone Black-headed Gull Wetlands &	Greylag Goose Lesser Black-backed Gull	Salicornia mudflats Atlantic/Mediterranean Salt Meadows	Light-bellied Brent Goose Shelduck Ringed Plover Golden Plover Grey Plover Bar-tailed Godwit Wetland and Waterbirds

	meadows	Waterbirds			
	Embryonic shifting dunes				
	Shifting dunes along the shoreline with white dunes				
	Fixed coastal dunes with grey dunes				
	Humid dune slacks				
	Petalwort				

13.4.10. Whether the effects are significant or not are measured against the conservation objectives of the SAC or SPA in question. With the exception of the Baldoyle Bay SAC, it is stated that significant effects are not likely to arise from this source, either alone or in combination with other plans or projects that would result in significant effects on the integrity of the Natura 2000 network. I would concur with this assertion.

13.4.11. There is a direct hydrological pathway from the site to Baldoyle Bay via the Mayne River. During the construction phase of development, there will be extensive earth works which includes for re-profiling of a portion of the floodplain in this area to ensure that no homes are at risk of flooding. No works are being undertaken to the river itself and the riparian zone is being maintained. Some sediment may enter the River Mayne. Using the precautionary approach, the potential for silt to be washed downstream means that the AA Screening Assessment concludes that significant effects to the Baldoyle Bay SAC cannot be ruled out. It is also concluded within the

Stage 1 assessment that significant effects are not likely to occur to any other Natura 2000 area.

- 13.4.12. A Stage 2 Natura Impact Statement has therefore been submitted.
- 13.4.13. Conservation Objectives for Baldoyle SAC have been set out on page 9 of the submitted NIS. In relation to Salicornia mudflats (1310) and Atlantic/Mediterranean Salt Meadows (1330/1410) the conservation objectives are to 'Maintain habitat area and distribution including physical structure (sediment supply, creeks and pans, flooding regime). Maintain vegetation structure as measured by vegetation height, vegetation cover, typical species and sub communities. Absences of the invasive *Spartina anglica*. In relation to mudflats (1140), the conservation objective is 'Permanent habitat area stable or increasing (estimated at 409 hectares); subject to natural processes'.
- 13.4.14. It is acknowledged within the NIS that hydrological pathways exist to the Baldoyle Bay SAC. Given the potential for very large quantities of sediment to enter the River Mayne, it is considered that effects to habitat areas cannot be ruled out. It continues by stating that very large quantities of sediment could increase deposition beyond normal levels, thereby affecting the areas of habitats for which the SAC has been designated. Mitigation is proposed by means of pollution prevention during construction. Construction practices will follow guidance from Inland Fisheries for protection of fish habitat. Best practice construction measures will be undertaken, for example storage of dangerous substances in a bunded zone. These practices are outlined in a preliminary Construction Management Plan, submitted as an addendum to the NIS. The Stage 2 assessment concludes that on the basis of best scientific knowledge, with the implementation of these measures, adverse effects on the integrity of the SAC will not occur.
- 13.4.15. The risk of contamination of any watercourse is extremely low and in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible to offshore European sites due to the distance involved and levels of dilution. At operational stage, the site is serviced by the public system. The management of surface water for the proposed development has been designed to comply with the policies and guidelines outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and

with the requirements of planning authority. The proposed development is designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS). I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Baldoyle Bay SAC (Site Code: 000199), or any other European site, in view of the site's Conservation Objectives.'

14.0 Recommendation

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

15.0 Reasons and Considerations

16.0 Having regard to the following:

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

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

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

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

17.0 Conditions

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

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (i) Details of privacy screens and buffer strips, which shall be provided between balconies at ground floor levels and above
 - (ii) Details relating to positioning of solar panels
 - (iii) Details of changing/toilet facilities to be provided in close proximity to the ancillary residential facilities/services on the ground floor of Block B

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

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

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

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

Reason: In the interest of public health.

5. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development

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

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

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

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

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

(c) Pedestrian crossing facilities shall be provided at all junctions;

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

(e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for

construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site

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

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

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

Reason: In the interest of residential and visual amenity.

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

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including the public park

10. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The extent of render finishes shall

be minimised and details relating to an alternative finish shall be agreed in writing with the planning authority, prior to the commencement of development

Reason: In the interest of visual amenity.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

12. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of orderly development

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

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

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

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

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

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

planning authority or any other prospective party to the agreement to the Board for determination.

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

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

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

19. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding

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

Reason: In the interest of safety.

21. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of Inland Fisheries Ireland in relation to this development.

Reason: In the interest of safety.

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

Reason: To ensure the satisfactory completion of the development.

23. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 05th day of December 2019 by Cairn Homes Properties Ltd care of McGill Planning, Dublin 2.

Proposed Development:

Permission for a strategic housing development on lands at Parkside 4, Parkside, Dublin 13 (the former Balgriffin Park lands, Clongriffin, Dublin 13).

The proposed development will consist of:

A residential scheme of 282 residential units in 4 apartment blocks ranging in height from 3 to 7 storeys. The development will include 94 no. 1-bed apartments, 8 no. 2-bed (3 person) apartments, 167 no. 2-bed (4 person) apartments and 13 no. 3-bed apartments. Apartments will have north/south/east/west facing balconies/terraces. The proposed development also includes residential amenity facilities (530 sq.m) incorporating concierge, media centre, and gymnasium. 277 no. car parking and 289 no. cycle parking spaces will be provided in the basement along with basement stores, plant, waste management areas, motor bike spaces and EV charging points. There will be an additional 134 no. surface cycle parking spaces for visitors along with 9 no. surface car parking spaces.

The proposed development provides for the continuation and completion of the Mayne River Linear Park as well as public open space and communal open spaces between the buildings.

Vehicular access is from Parkside Boulevard. Pedestrian and cycle access are from Mayne River Linear Park, Balgriffin Road and Parkside Boulevard.

All associated site development works (including site re-profiling), landscaping, boundary treatments and services provision including ESB substations

Decision

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

Matters Considered

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

Reasons and Considerations

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

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

- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

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

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

Appropriate Assessment

The Board completed an Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura impact statement submitted with the application, and the Inspector's report and submissions on file. In completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that,

subject to the implementation of the proposed mitigation measures contained in the Natura impact statement, the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives.

Environmental Impact Assessment

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

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

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

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

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

- Population and human health impacts mitigated by appropriate construction and operational management plans

- Biodiversity impacts mitigated by a Japanese Knotwood management plan; lighting sensitivity; additional planting/landscaping and appropriate work practices
- Soils and geology impacts mitigated by construction management measures including minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Hydrology and Water Services impacts to be mitigated by management of surface water run-off during construction while Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- Landscape and Visual impacts mitigated appropriate best practice construction site management and by proposed landscaping.
- Archaeological and Cultural Heritage impacts mitigated by archaeological monitoring of ground disturbance works
- Climate and Air Quality impacts mitigated by dust minimisation plan
- Traffic and Transportation impacts mitigated by the management of construction traffic; Construction and Environmental Management Plans
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.

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

Conclusions on Proper Planning and Sustainable Development

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

Conditions

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

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (iv) Details of privacy screens and buffer strips, which shall be provided between balconies at ground floor levels and above
 - (v) Details relating to positioning of solar panels
 - (vi) Details of changing/toilet facilities to be provided in close proximity to the ancillary residential facilities/services on the ground floor of Block B

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

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

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

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

Reason: In the interest of public health.

5. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development

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

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

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

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

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

(c) Pedestrian crossing facilities shall be provided at all junctions;

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

(e) A detailed construction traffic management plan shall be submitted to, and

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

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

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

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

Reason: In the interest of residential and visual amenity.

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

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including the public park

10. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning

Authority prior to commencement of development. The extent of render finishes shall be minimised and details relating to an alternative finish shall be agreed in writing with the planning authority, prior to the commencement of development

Reason: In the interest of visual amenity.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

12. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of orderly development

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

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

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

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

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

(d) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(e) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and

(f) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

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

planning authority or any other prospective party to the agreement to the Board for determination.

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

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

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

19. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding

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

Reason: In the interest of safety.

21. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of Inland Fisheries Ireland in relation to this development.

Reason: In the interest of safety.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in

charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory completion of the development.

23. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Lorraine Dockery

Senior Planning Inspector

20th January 2020

APPENDIX A:

Aoibhinn Kelly

Castlemoyne Residents

Clongriffin Community Association

Darragh O'Brien

Irish Aviation Authority

Inland Fisheries Ireland

Irish Water

Jack Gleeson

Mark Geraghty and Alice Foran

Parkside Residents Association

Patrick Stanley

Thomas P Broughan

Transport Infrastructure Ireland

Tom Brabazon