



An
Bord
Pleanála

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

Inspector's Report ABP-305680-19

Strategic Housing Development

Construction of 657 no. apartments,
crèche and associated site works.

Location

Lands east of St. Paul's College, Sybill
Hill Road, Raheny, Dublin 5.

Planning Authority

Dublin City Council North

Applicant

Crekav Trading GP Limited.

Prescribed Bodies

An Taisce.

Transport Infrastructure Ireland.

Department of Culture, Heritage and
the Gaeltacht.

Irish Water.

Observer(s)

659 no. observations (Appendix 1).

Date of Site Inspection

29th of January 2020

Inspector

Karen Hamilton

Decision Quashed

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site (c. 6.7ha) is located approximately 5km from Dublin city centre, in the established neighbourhood of Raheny, Dublin 5. The site is roughly rectangular in shape, aside from a narrow strip that runs westward to provide for access onto Sybil Hill Road (R808). The site forms part of lands previously associated with St. Paul's College, a boys' secondary school, and the college structures are located to the west of the site. An existing residential development, known as 'The Meadows' is located to the west of the site, as is Sybil Hill House, a Protected Structure. The site is bound to the east, south and north by St. Anne's Park.
- 2.2. The site was previously used as playing fields although has been left unused for a period of time. A similar SHD application (ABP 300559-18), on the same site, was refused by the Board following a remittance of an application, on foot of a High Court Order which quashed a grant of permission (ABP 302225-18).
- 2.3. The northern part of the boundary of the site includes the remaining part of the walled garden of Maryville House, now demolished. The site slopes from a high point of 27.66m OD at the north-eastern boundary to a level of 21.43m OD at the south-eastern boundary. There are a number of mature trees on site and it is well screened on all sides. A high wall forms the boundary between it and 'The Meadows' and a line of deciduous trees are located near this boundary. Along all three sides between the park and the application site is a belt of mature trees.

3.0 Proposed Strategic Housing Development

- 3.1. This proposed development will comprise of 657 no. apartments within 9 blocks, ranging in height from 5 to 9 storeys and ancillary facilities. The main changes from previously refused permission include the removal of 104 houses and an increase of

apartments by 121. The following tables set out some of the key elements of the proposed scheme:

Table 1: Development Standards

		Previous refusal (302225)
Unit no	657	536
Density	103units per ha	88units per ha
Plot Ratio	1	0.88
Indicative Site Coverage	16.5%	34%
Crèche	115 space	37 space

Table 2: Unit Mix

Block	1 bed	2 bed	3 bed	Total
1	48	92	3	143
2	15	39	9	63
3	17	44	10	71
4	15	39	9	63
5	17	44	10	71
6	83	41		124
7	9	23	4	36
8	10	28	5	43
9	10	28	5	43
TOTAL	224	378	55	657
	34%	58%	8%	100%

Table 3: Building Height

Block	Storeys	Parapet Height mOSD
1	5-8	16.63-25.15
2	8	25.05

3	9	27.95
4	8	25.05
5	9	27.95
6	7	22.4
7	5-6	19.25
8	5-6	19.25
9	5-6	19.25

Table 4: Unit Sizes

Apartment	Range m ²
1 bed	50.7 - 56.2
2 bed	77.7 - 83.2
3 bed	99.4 - 104.8

Table 5: Open Space

	Communal m ²	Private m ²
Required	4,261	4,261
Provided	25,782 (40.18 % of site area)	5,582
25% of site area	6.4ha	

Table 6: Part V Provision

Requirement: 67 units	
Block 1- 18 units	6 no. 1 bed & 12 no. 2 bed
Block 3- 25 units	6 no. 1 bed & 15 no. 2 bed & 4 no. 3 bed
Block 5- 23 units	5 no. 1 bed & 14 no. 2 bed & 4 no. 3 bed

Table 7: Car Parking (include disabled and GO Car)

Basement- 0.7 per apartments	456
Surface- visitor	34

Total	499
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Table 8: Bicycle Parking

Basement- 2 per apartment	1,314
Surface- visitor 0.5 per apartment	332
Total	1,646

Table 9: Main tenant amenity areas

Basement – Block 1	Stated Areas (m ²)
Meeting Room	25,91
Games Room	30.35
Cinema (basement)	45.82
Office	12.1
Store	41.43
Store	36.54
Ground Floor- Block 1- Gross Amenity Area	268
Ground Floor- Block 1	
Entrance lobby/ concierge/ office	129.5
Wi-fi Zone	47.5
Hot Desk Area	61.5
Lounge	49.5
Meeting room	43.5
kitchen	16
Dining	37
Terrace	179
Total Ground Floor-Block 1	451
Ground Floor-Block 6	
Lobby/ gym breakout	68.5
Gym	62

Relaxation terrace	100
Changing area	16
Total Ground Floor-Block 6	162
TOTAL internal tenant amenity area	881
Total external tenant amenity area	279

4.0 Planning History

4.1. Development Site

ABP 300559- 18 SHD application

Permission refused for reasons of inadequate information in the submitted NIS to undertaken a conclusive assessment of the impact on the qualifying interest of adjoining European sites. A previous decision (ABP **302225-18**) to grant permission was quashed by High Court Order and remitted back to the Board.

Reg Ref 2381/01

Permission granted for floodlighting, changing room, upgrade works and ancillary site works

Reg Ref 2948/01

Permission granted for new railings at St. Paul's College, including sides of sports fields

4.2. Adjoining Lands

ABP- 301482-18 (Reg Ref 3777/17)

The application is currently on appeal with An Bord Pleanala. Permission has been refused for the demolition of three pre-fabricated buildings and construction of a new Sports Hall and all-weather pitches at St. Paul's College by Dublin City Council for reasons of impact on the Light Bellied Brent Goose, location relative to the North Bull Island Special Protection Area and the precautionary principle.

PL29N.246250 (Reg Ref 4245/15)

Permission granted for 76 residential units and ancillary works at Sybil Hill Road (north of subject site).

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 28th of 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.

5.2. The prospective applicant was advised that specific information should be submitted with any application for permission as summarised below:

Item 1: **Impact Statement (NIS)** to assess potential effects on relevant designated sites with regard to their conservations objectives with particular attention to the reasons for refusal issued in relation to ABP-302225-18, relevant points raised by statutory consultees and the planning authority, all in order to prepare a comprehensive and suitably robust NIS. All relevant research and field survey result should be attached as appendices.

Item 2: A **planning report** that includes:

- a) Detailed chronology of all relevant planning **applications** on or adjacent to the site, including legal **challenges or judgement** as appropriate,
- b) An up to date planning report should also include all references to relevant **guidelines and regulations** published since the previous application was lodged,
- c) A report and/or drawings that clearly show **any changes** between that previously applied for and that which it is now intended to apply for.

Item 3

A layout drawing that shows all relevant open space areas, roads and pedestrian linkages to St. Anne's Park proposed to be taken in charge by the planning authority.

6.0 Applicant's Statement

6.1. Response to Pre application Consultation

Response to item 1: A Natura Impact Statement (NIS) was prepared which appraises the potential impacts of the proposed development on the relevant designated European sites and includes an assessment of any potential effects on specific species that may use the subject site for winter feeding (known as ex-situ feeding).

- In relation to Light-bellied Brent Goose (*Branta bernicla hrota*), the loss of an ex-situ feeding site will not adversely impact the conservation objectives of this species.
- In relation to other SCI species (i.e. Curlew, Oystercatcher, Black-tailed Godwit and Black-headed Gull), results of wintering bird surveys at the site have demonstrated that this site is not of importance for any of these species.

Response to Item 2

- Section 3.1 of the Planning Report provides an assessment of all relevant planning history and legal challenges.
- Statement of Consistency references all the relevant guidelines and regulations.
- Drawings and accompanying text outlining the changes between the previous application (ABP Ref.: PL29N.300559 and PL29N.302225) is included in Section 4 of the Architects Design Statement (pages 12-14).

Response to Item 3: A Taking in Charge Drawing identifies that the Public Open Space, which represents 25% of the development site area and which is proposed as part of this application in the south east portion of the site is proposed to be taken in charge by Dublin City Council, previously agreed.

6.2. Statement of Consistency

The statement of consistency demonstrates that the proposal is consistent with the relevant National, Regional and Local Policies and the local of Higher and Third level education Institutions is detailed.

6.3. Statement of Material Contravention

A Statement of Material Contravention has been submitted and the application has been advertised as a contravention of the development plan having regard to the proposed heights (range from 16.63m to 27.95m) which is in excess of the development plan standards. (16m/24m).

Justification for an increase in height is provided having regard to the compliance with the NDP and *Urban Development & Building Heights Guidelines*, the location of the site and the design of the residential development.

7.0 Relevant Planning Policy

7.1. National Planning Policy

The following list of national guidance and 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.

- National Planning Framework (NPF): Ireland 2040,
- Climate Action Plan 2019. To Tackle Climate Breakdown (Government of Ireland, 2019),
- Eastern & Midland Regional Assembly (EMRA). Regional Spatial & Economic Strategy (RSES) 2019-2031 (2019),
- 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 ,
- Urban Development and Building Heights- Guidelines for Planning Authorities,
- Design Manual for Urban Roads and Streets ,
- The Planning System and Flood Risk Management,
- Childcare Facilities – Guidelines for Planning Authorities,
- Architectural Heritage Protection-Guidelines for Planning Authorities,

- Appropriate Assessment of Plans and Projects in Ireland- Guidelines for Planning Authorities (DEHLG).

7.2. Dublin City Development Plan 2016-2022

The site is located on lands zoned as Z15, Institutional & Community, where it is an objective to '*protect and provide for institutional and community uses and to ensure that existing amenities are protected*'.

- Residential development is 'open for consideration' under this zoning objective.

Should a masterplan be required, no longer a need for an existing institutional use, it shall sets out a clear vision for the zoned lands, to provide for the identification of 25% of the lands for open space and/or community facilities, in lieu of the 10-20% of public open space normally provided for in development plan standards. This requirement does not apply if the footprint of the existing buildings > 50% of the total site area of the institutional lands.

The following standards also apply within Z15:

- Plot ratio 0.5 – 2.5
- Indicative site coverage 50%

Height

Section 16.7 Building Height

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

The north-western portion of the site is c. 500 metres of Harmonstown DART Station.

Transport

Map J- Strategic Transport and Parking Areas

- Zone 2- the development is in close proximity to good public transport links. Car parking provision is restricted in Zone 2 on grounds of good public transport links

- Residential car parking standard of 1 space /dwelling. No standard for childcare facility. Cycle parking 1 per unit for all zones.

Built Heritage

- Sybil Hill House is designated as a Protected Structure (Ref. 7910) in the 'Record of Protected Structures'.
- St Anne's Park is designated as a Conservation Area
- Dublin City Parks Strategy 2017- highlights St. Anne's Park as a historic Flagship Park
- Dublin Bay has recently been awarded a UNESCO Biosphere designation, which aims to promote biodiversity management at ecosystem level.
- It is stated by the applicant that the gardens of Sybil Hill House (DU-50-O-203374) and St. Ann's (DU-50-O-217373) are listed in the National Inventory of Architectural Heritage (NIAH) - this element of the Inventory is unpublished as yet.

7.3. Designated Sites

The site is located within the vicinity of the following European Designated sites:

- c. 1.2km to the west of North Bull Island SPA (site code 004006),
- c. 1.2km to the west of North Dublin Bay SAC (site code 000206),
- c. 1.2km to the north of South Dublin Bay and River Tolka Estuary SPA (site code 004024),
- c. 3.5km to the north of South Dublin Bay SAC (site code 000210),
- c. 5km to the south west of Baldoyle Bay SPA (site code 004016)
- c. 5km to the south west of Baldoyle Bay SAC (site code 000199),
- c. 6.5 km to the west of Rockabill to Dalkey Island SAC (site code 003000),
- c. 6km to the west of Howth Head SAC (site code 000202),
- c. 9 km to the west of Howth Head Coast SPA (site code 004113),
- c. 9km to the south west of Irelands Eye (side code 004117),

- c. 9km to the north of Malahide Estuary SPA (site code 004025),
- c. 8km to the north of Malahide Estuary SAC (site code 000205),
- c. 12km to the south east of Dalkey Islands SPA (site code 004172),
- c. 14km to the south of Rogerstown Estuary SPA (site code 004015),
- c. 14 km to the south of Rogerstown Estuary SAC (site code 000208).

8.0 Third Party Submissions

8.1. A total of 659 no. submissions were received in relation to the proposal of which 4 no. of these are prescribed bodies, further detailed below in Section 10.0. The remaining submissions are from residents of properties in the vicinity, residents associations, environmental groups and local councillors and the issues raised are similar in nature, therefore, I have summarised into common themes below:

Principle of development

- Justification for the development based on the cease of use as playing fields is not an acceptable precedence.
- The use of brownfield sites and the objectives of the NPF have not been applied.
- A 10 year permission will create a land bank.
- The application is project splitting (replacement pitch 3777/17).
- The applicant's web site is inadequate.
- The loss and impact on the community is not included in the application.
- The SHD process was not the correct manner to deal with this application.

Scale and Density of Proposal

- Is excessive and out of character with St Anne's
- The design is inappropriate and overdevelopment of the site.
- The high rise buildings in the vicinity do not set a precedent and the height is inappropriate on the site.

- The dual aspect and atrium design is not acceptable.
- The proposed open space should be sterilised.
- The number of 3 bedroom apartments should be increased.
- Pedestrian permeability is poor.
- Block 9 should be omitted.

Contravention of Zoning

- Z15 requires the retention of existing open space for community use.
- Several sports clubs have lost the use of these lands and have to travel elsewhere.
- The cumulative impact of loss of Z15 lands across the City is extreme.
- The height of the proposal represents a material contravention of the development plan and there are no conflicting objectives to permit this proposal.
- The proposal would materially contravene Policy G123 of the development plan, with regard to the protection of European Sites.
- An inadequate masterplan submitted with 3777/17 cannot be considered as part of this application.

Impact on Shore Birds/ Bull Island and other SPAs

- The concerns raised by The Board in 300225-18 remain relevant.
- The data presented does not sufficiently conclude the LBBG will not be negatively impacted upon.
- The land owner has ceased to cut the grass.
- The subject site is one of the most important ex situ feeding sites for Brent Geese in Dublin.
- The EIAR is incorrect to reference the goose droppings as a serious threat to human health.
- Data from one feeding season cannot exclude the impact on the LBBG

- The proposed development does not pass the “integrity test”.
- The submitted NIS does not provide precise and definitive findings and a conclusion cannot be based on best scientific evidence.
- The wider range of sites have not been fully assessed for their usability by the LBBG.
- St Paul’s has been identified of major importance for the LBBG and will remain important.
- The EIAR is incorrect in so far as there has been no evidence put forward for any Anti- Microbial Resistance (AMR) has been identified in the LBBG.
- Additional work needs to be undertaken to identify the impact on other SCI species such as the Curlew and Oystercatcher.
- There was no consultation undertaken with Bird Watch Ireland (BWI), merely the provision of data from two monitoring schemes.
- The lands should be designated as a European Site.
- The presence of the LBBG on the site in 2018-19 indicates their loyalty to this location.
- There has been no proper assessment of the cumulative impact of the loss of the site on the LBBG.
- The applicant has no control over the other “network” of feeding sites and therefore the capacity of these as finite resource is limited.
- The duration of bird surveys is not sufficient enough time to justify the conclusion in the NIS.

Traffic

- The local road network and rail network are highly congested.
- There is no access to the site unless through the school site.
- The proposal will have a negative impact on the traffic flow in Sybil Hill Road.
- The additional traffic flow is extremely dangerous so close to a school site.
- The DART services in the vicinity need a substantial amount of investment.

- Any grant of permission should include substantial financial conditions requiring public infrastructure investment.
- Parking provision should be reduced in line with the 2018 apartments guidelines so as the number of cars in the network is reduced.
- Dedicated cycle lanes should be provided to accommodate the increase in cycling promoted in the development and access and storage should be in line with the 2018 apartment guidelines.
- The reduction in car parking from the previous application by 21% and it is not realistic this will be made up with cyclists.

Flooding & River

- The capacity of the Naniken River to address the surface water is questionable.
- The quality of the river flow will be compromised.

UNESCO Biosphere buffer zone and biodiversity

- St Anne's Park forms part of the buffer for the UNESCO biosphere at Bull Island.
- The development on St Anne's could be defined as a project which has a negative impact on the North Bull Island SPA.
- The mitigation measures for the bats are not sufficient.
- The light and noise will have a detrimental impact on the wildlife in St Anne's.

St Anne's Park

- The park is an award winning park
- The building will have a negative impact on St Anne's and the Flora and Fauna, not properly addressed in the EIAR.
- There is no historical/ heritage impact assessment on St Anne's.
- St Anne's park is a conservation area and Policy CHC4 requires all development to make a positive contribution.

- The submitted visual assessment is based on planting being in a mature state.
- Access arrangements to the proposed public open space should be agreed with the Council.

Impact on the school

- The proposed development will restrict the expansion of the school site.

Impact on surrounding area

- The development will have a negative visual impact on the surrounding area and the impact assessment is insufficient.
- The impact from overshadowing/ overlooking is not submitted.
- There are negative impacts on the setting of a protected structure.
- The unit mix should be more 3 bedroom.

9.0 **Planning Authority Submission**

9.1. **Introduction**

The submission from the Chief Executive submission, received by An Bord Pleanála on 10th of December 2019, includes a breakdown of the submissions, the interdepartmental reports and the views of the elected members. The planning authority consider the overall development should be refused permission having regard to the significant biodiversity issues and the absence of sufficient information in the NIS. The information in the Chief Executive Report is summarised below.

9.2. **Summary of Views of Elected Members**

A synopsis of the comments/views in respect of the proposed development is set out as follows:

- The use of the SHD process and in regard to the Z15 zoning is queried.
- The proposal is opposed and the Board is requested not to grant permission.
- The green spaces in Dublin should be retained.
- The institutional use was never intended for use for residential.

- There is sufficient zoned and serviced lands available to provide housing.
- The proposal will cause traffic congestion, the traffic management plan does not address increased traffic volumes and the proposed access route for construction traffic is queried.
- The loss of community playing pitches will have a significant impact on the community in the vicinity and no alternative areas have been provided.
- The development on these lands must set a precedence for similar.
- The CPO process can be used to take these lands back.
- The proposal will have a negative impact on the residential and visual amenity of the surrounding area.
- Drainage issues in the vicinity will worsen if the proposal goes ahead.
- The modelling of the trees is questioned, appropriateness at the location.
- The integrity of St Anne's Park will be negatively affected.
- The enhancement of the biosphere is questioned and the tax payers input.
- The input on migratory birds and displacement is of concern.

9.3. Planning Assessment

Institutional Zoning Objective

- The application site is zoned for Z15 Institutional Use.
- Residential development is open for consideration where it can comply with a list of criteria.
- The Z15 zoning allows the submission of a master plan identifying 25% of lands for open space and/or community facilities, this has been complied with.
- An upgrade of the sports and community facilities at St Pauls College is currently with the Board under 301482-18, are not linked to the proposal and within separate ownership.
- The proposal is consistent with the Z15 zoning objective.

School Capacity

- Figures indicate there is a substantial need for an additional primary school in the area on identified lands, including the subject site.
- The Department have not commented on the submitted schools demand and capacity assessment.
- The Department have requested an assessment of the impact of the proposal although have confirmed there is sufficient capacity to accommodate the proposal
- There appears to sufficient capacity in the school area to accommodate the proposal.

Design and Impact on Amenities

- The height of Blocks 3 & 5 have been increased from 5 to 9 storeys (previous permission), Blocks 6 from 5 to 7 and three blocks (7, 8 & 9) are 5/6.
- The photomontages do not illustrate the impact from St Anne's North and the overall proposal should be reduced in height to ensure it is in keeping with the surrounding area.
- The design and layout of the apartments is acceptable.
- The use of the atrium to provide light for apartments increases the number of dual aspect units above 50%, this form of light is not acceptable.
- A number of units will have negative amenity impact from noise and disturbance (Block 1/ apt 18), (Block 6/ apt 427), Block 8/ Apt 577 &578, Block 9 Apt 615 & 616.
- Access into the park should be restricted to two points and gate access should align with the park opening hours.

Traffic & Parking

- The provision of 0.7 spaces per unit is broadly in line with the transport section requirements and spaces should be allocated on a permit basis.
- Conditions are recommended to address the deficiencies in the TTA and the Stage 1 Road Safety Audit.

Biodiversity

- It is recommended that the proposal is refused having regard to the absence of sufficient information in the submitted NIS to indicate the proposal development would have no impact on the populations of the Brent goose, black-tailed godwit or curlew of Dublin Bay.

9.4. **Summary of Inter-Departmental Reports**

Drainage Division: No objections, subject to conditions.

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

Parks and Landscape Services: Significant concerns raised; Precautionary Principle recommended.

City Archaeologist Report: No objection, subject to conditions.

Air Quality Monitoring & Noise Control Unit: No objection subject to conditions.

9.5. **Conditions**

In the event the Board are minded to grant permission 26 no. conditions are recommended of which the following are of note:

C 1- Alteration to the height of Blocks 1-6 removing in the most part one floor from each blocks with detailed amended to Block 6.

C 2- Internal alterations to apartments in Block 1/ 6/8 & 9 to reduce the impact from noise and disturbance.

C 3- Additional landscaping plan details and restriction on the access points into St Anne's Park.

C 4- Agreement for external finishes.

C 5- Security Bond.

C 7- Protection of trees.

C 8- Agreement of alignment of surface water pipe in relation to tree roots.

C 9- Agreement for works for the demolition and construction of a proposed drainage pipe outfall at the Naniken River.

C 14- Part V compliance.

C 15- Compliance with the light pollution guidance.

C 16- Traffic requirements.

C 17- Drainage requirements.

10.0 Prescribed Bodies

Transport Infrastructure Ireland (TII): No objection

Department of Culture, Heritage and the Gaeltacht (DCHG):

- No objection to the Archaeology conclusion subject to condition relating to monitoring.
- In relation to the Nature Conservation, the studies and mitigation measures in the NIS are noted and the Board as the competent authority must ensure the assessment has complete and definitive findings and conclusions.

Irish Water: No objection

An Taisce: The Board should have regard to the following:

- Previous Reasons for refusal (ABP- 302225-18).
- Loss of Recreational Amenity and Open Space.

11.0 Oral Hearing Request

11.1. An Oral Hearing Request was submitted by Thomas P Broghhan TD. The issues raised are summarised as follows:

- Loss of amenity space,
- Z15 zoning and principle of residential use,
- Height, Design & Density,
- Traffic Impact Assessment & Mobility Management Plan,
- Drainage, Construction, Waste Management & Impact on residential amenity,
- Public Consultation.

- 11.2. Section 18 of the above Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:
- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
 - (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.
- 11.3. In this instance, it was decided there were no exceptional circumstances and therefore the request for an oral hearing was refused.

12.0 Environmental Impact Assessment

12.1. Statutory Provisions

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.

Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

(i) Construction of more than 500 dwelling units

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

The development would provide 657 no. apartments on a site of c. 6.7 ha. The proposal is above 500 dwellings and exceeds the threshold stated in b (i) and so EIA is mandatory.

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 and prescribed bodies has been set out at previously this report. A summary of the main contents of

the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Volume 1 of the EIAR provides a non-technical summary of its content.
- Volume 2 includes the Written Statement of the (Chp 1-15) EIAR, and
- Volume 3 includes the Technical Appendices (e.g. Bat Survey, ground investigation reports, borehole records, and soakaway records, water sampling results, conservation impact assessment, Traffic & transport assessment and mobility management plan, energy sustainability report).
- Table 1.2 describes the methodology employed within the assessment of each chapter and 1.3 describes the expertise of those involved in the preparation of the report.
- Mitigation measures described throughout the report are summarised in Chapter 15.
- The Screening for Appropriate Assessment is detailed below, as a separate assessment and the application is accompanied by a Natura Impact Statement.

The likely significant effects of the development are considered under the headings below which generally follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of EIA Directive 2011, as amended.

12.2. Alternatives

Article 5(1)(d) of the 2014 Directive requires a description of alternatives studied by the developer and the reasons for the option chosen, taking account the effects of the project on the environment. Annex (IV) of the Directive provides that more guidance on reasonable alternatives which permits the reasonable alternative studied to include project design, technology, location, size and scale.

Section 2.6 in Chapter 2 of the EIAR deals with the issue of alternatives.

The EIAR sets out that having regard to the Z15 zoning objective of the lands in question, in which residential development is 'open for consideration' it was not considered necessary to consider alternative sites for the proposed development. The do nothing scenario was not considered as a reasonable alternative. In terms of alternative designs, it is set out that the proposals were the subject of detailed discussions with all the relevant authorities prior to the finalised scheme as summarised below:

- Spread of houses across the site with not allowance for 25% open space,
- Lower density than submitted and a split of 25% across the site,
- Apartment blocks over nine blocks and a single area with 25% open space.

Having regard to the location of the site within Dublin City the consideration of alternate processes is not considered relevant to the EIAR having regard to the nature of the proposed development and I am satisfied that the EIAR has provided a description of the reasonable alternatives studied by the applicant which are relevant to the proposed project.

12.3. Likely Significant Direct and Indirect Effects

The likely significant direct and indirect effects of the proposed development are considered under the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU, and further summarised, in my assessment, from those topics provided in the EIAR:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the above factors.

12.4. **Population and Human Health**

Chapter 4 of the submitted EIAR deals with population and human health.

Identified impacts from the construction phase include the creation of additional noise and disturbance locally. Mitigation measures to reduce any potential negative direct or indirect impact are detailed in a Construction Environmental Management Plan (CEMP) and reiterated in the EIAR such as:

- Hours of construction,
- Traffic Management Plan (TMP) school hours restriction,
- Dust and Noise abatement plan.

I note the location of the dwellings in the vicinity of the site and use of construction access via the school site and new entrance I consider the use of mitigation measures acceptable and I consider the impacts will be short term.

The operational phase and the creation of housing will bring new population into the area, who will support existing schools, shops, transport and the local community. Additional facilities will be supported in the area. Analysis of facilities in the vicinity of the site indicate support for additional population. It is considered that the effects for population and human health will be moderate, positive and long term.

I have considered all written submissions made in relation to population and human health and I am satisfied that all issues have been appropriately addressed applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

12.5. **Biodiversity**

Chapter 5 of the submitted EIAR deals with biodiversity.

A desk top analysis and biodiversity impact appraisal of the proposed development takes into consideration previous studies undertaken for the previous application and additional surveys for this updated EIAR, which I consider reasonable. Screening for

Appropriate Assessment was also undertaken, which resulted in an (Stage 2) Appropriate Assessment which is dealt with comprehensively below as a stand-alone assessment.

The proposed development is not located in a designated site. There are 6 no pNHAs within 5 km of the site. There are 16 European sites located within 15km and 6 proposed NHAs within 5km of the subject site. The Appropriate Assessment conclusions indicate no adverse effects from the proposed development on and European site. The Naniken Stream is located approximately 100m north of the subject site. No protected or rare flora species were recorded on site, and 1 invasive species was noted. Trees and woodlands on the site are defined as having local importance.

Potential impacts on habitats, mammals and birds during construction and operational phase were identified, together with potential cumulative impacts. Potential impacts on 7 no European sites including 2 no SACs and 5 no SPAs have been raised in the EIAR with reference provided to the NIS and those mitigation measures to prevent water pollution including the control of any sediment run off into any watercourses.

Bat activity was recorded on site, with the majority recorded around the boundaries with St. Anne's Park. The proposed buildings and associated lighting is likely to result in some localised impacts to bats commuting through or feeding on the site. It is likely that they will still be able to pass through the site albeit via different routes to those currently used. Details of proposed tree removal have been included with the application. An Arboriculture Report accompanied the application and states that the tree loss includes 7 no. category U trees, 10 no. category B and 4 no. category C. A substantial amount of mature trees along the boundaries of the site are to be protected during the construction phase. Temporary light required during construction is also identified as a potential impact. A Site lighting plan accompanied the EIAR and predicts light levels along the southern and eastern boundaries, where a high degree of foraging was recorded are less than 1 lux. Lighting proposed during the operational phase will be narrow spectrum lighting wherever possible with low UV component and will comply with national guidance for bat conservation. It is recommended that three bat boxes be erected on mature trees either on site or immediately adjacent, if possible. Submissions note the absence of the location of

potential boxes although I consider this can be reasonably included as part of any grant of permission.

Issues relating to the impact on the adjoining SAC and SPA have been addressed comprehensively in the Appropriate Assessment Report below. The EIAR references scientific evidence linking the presence of Light Bellied Brent Goose as a transmitter of antimicrobial resistant bacteria. A number of observations and the report of the Parks and Landscape Services make reference to these findings and note the removal of geese is not an option to deal with treating bacteria, therefore this report is not applicable.

In relation to other bird species on the site, not listed as SCI for any European site, the EIAR includes mitigation measures to avoid construction during breeding season. Parks and Landscape Services of the council reference the inclusion of birds as good indicators of ecological activity and having regard to the scale of tree removal, landscaping proposal and open space provision, I do not consider the proposed development will have a significant negative impact on any species.

Mitigation measures in Section 5.8 of the EIAR further detail measures in conjunction with CEMP for the site. Following implementation of the mitigation measures, no significant residual impacts are anticipated.

I note the loss of the pitches, in particular the loss of flora and fauna, is raised in a significant number of submissions with reference to the designation of St Anne's Park as a UNESCO Biosphere designation for Dublin Bay. I note the scale of the development, location of the site, which is zoned for development in the development plan, the previous use as a recreational facility for a school site and the proposal to integrate ecological features, designated open space and landscaping and I do not consider the proposal will have a significant negative long term impact on the biodiversity on the site or the adjoining St Anne's Park or any designation for Dublin Bay.

I have considered the written submissions made in relation to biodiversity, the information in the EIAR and the NIS and I do not consider the proposed development will have any significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise.

12.6. Land and Soils

Chapter 5 deals with Land and soils.

The site topography is generally level and the ground falls away gradually to the east through St. Anne's Park. The site is underlain with shallow depth of made ground, which was reworked to form suitable playing pitch surfaces. The subsoil comprises Dublin Boulder Clay, which is impermeable and is the dominant subsoil type in the region. No contamination is identified and there is no expected pollution links proposed. The depth to bedrock is over 8mBGL and bedrock comprises Calp Limestone. Changes in groundwater flow regime are not expected and the bedrock has a Locally Important Aquifer classification.

Potential Impacts and risk to land and soil from the construction phase include excavation, accidental leaks or spills and imported fill. The operational phase will not give rise to any likely significant long term effects albeit there will be a land change from use of playing pitches to residential. Mitigation Measures primarily relate to the excavation of the site and include a CMEP, controlled excavation in line with waste legislation, reuse of sub soil and good construction practices.

I have considered all of the submissions made in relation to land, soil and geology and I am satisfied that potential adverse direct, indirect or cumulative effects on land, soil and geology 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 are likely to arise.

12.7. Hydrology, Water and Hydrogeology

Chapter 7 of the EIAR deals with this topic.

Water: The existing site is currently greenfield and as such, there are no existing service connections associated with the existing site area.

- The closest services are located along Sybil Hill Road and serve existing dwellings and developments along that roadway.
- The completed residential development will result in an increased demand for potable water in the order of 271.35 m³ per day, with this demand being taken from an existing public water main along Sybil Hill Road.

- The completed residential development will result in an increased discharge of foul water in the order of 321.6 m³ per day, which will discharge into the existing public foul water sewer on Sybil Hill Road.
- A submission from Irish Water indicates that a connection can be facilitated

Surface Water: Surface water currently naturally infiltrates to ground and runs-off to an existing watercourse in line with existing topography of the site.

- The site lies within the catchment of the Naniken Stream, located north of the existing site, which ultimately discharges to Dublin Bay.
- There are flooding issues in the existing public surface water network downstream of the proposed site.
- All surface water from the proposed development will discharge to the Naniken Stream and not to the public sewer network, as directed by Dublin City Council. Information available from the EPA suggests that the Naniken Stream is “at risk of not achieving good water status” in terms of the WFD.
- The completed residential development will result in an increased discharge of surface water but it will be attenuated below greenfield levels in accordance with the GDSDS.
- This flow will be discharged to the Naniken Stream and ultimately into Dublin Bay.

Potential Impact: Potential Impacts include alteration to the ground/ surface water regime by drainage, change to hard standing due to construction and contamination from the construction.

- The proposed development will not give rise to any likely significant long-term effects.
- Slight negative effects will be experienced during the construction phase with disruptions to supply caused by local connections which will be temporary in nature. During the operational phase there will be no significant environmental effects.

Mitigation measures are outlined in Chapter 7 and 15 and include the use of CEMP to prevent water pollution and management of storm-water runoff. Specific measures

including, but not restricted to, exclusion zones and control of sedimentation run-off will also prevent any impact on water quality.

Observations to the application have raised concern over the impact of additional surface water discharge to the Nainken River and the potential for flooding, as stated in my assessment, the discharge rates are considered satisfactory and those mitigation measures proposed to treat the surface water and prevent any water pollution are considered appropriate.

I have considered all the submissions made in this regard. I am satisfied that potential adverse direct, indirect or cumulative effects on hydrology and water 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 are likely to arise.

12.8. **Air Quality and Climate**

Chapter 8 of the EIAR deals with Air Quality and Climate.

Current air quality in the area is considered good with levels of nitrogen dioxide, carbon monoxide and benzene below National and European Union (EU) levels.

Potential Impact: The greatest potential from Construction Phase is from dust emissions. A Dust minimisation Plan is included.

Potential Impact from Operation is from vehicle emissions and results from a vehicle emissions air dispersion modelling study indicate the impacts imperceptible in the short and long term and levels of traffic-derived air pollutants will not exceed the ambient air quality standards with the proposed development in place.

A Microclimate Report accompanied the application and the findings are integrated into the EIAR. Issues addressed include the impact of the sunlight and daylight on the existing dwellings in the vicinity and the future occupants of the proposed development, which indicates no significant impact on residential amenity, which I consider reasonable.

Significant Interactions between air quality, human beings and flora and fauna are identified in the EIAR. Wind modelling and assessment and daylight and sunlight analysis indicate no adverse impact from the design of the proposed development on human beings. Mitigation measures proposed during construction ensure any

impacts will be short term and negligible. Cumulatively, levels will still be significantly within the ambient air quality limit values under all scenarios.

I have considered all the written submission received in relation to this topic. I am satisfied that any impacts will be appropriately mitigated and the proposed development will have no significant adverse direct, indirect or cumulative effects are likely to arise.

12.9. Noise and Vibration

Chapter 9 of the EIAR deals with Noise and Vibrations.

A baseline environmental noise survey was conducted at the site, at three locations- N1 outside Sybil Hill House, in proximity to The Meadows; N2 in proximity to St. Paul's College campus and N3 within existing playing fields of St. Anne's Park, which are considered acceptable as noise sensitive receptors.

Demolition works will take c. 5 months with full construction expected to take 48 months. The main impacts are predicted to be generated from traffic and having regard to the surrounding road network the impact will be imperceptible long-term and neutral.

Potential noise impacts from the operation phase relate to small residential sub-stations which are well sealed to control noise. There are no expected sources of vibration associated with the operational phase.

Mitigation measures outlined in Section 9.6, to control noise and vibration during the construction phase include the use of CEMP and designated noise liaison officer appointed to site during. No mitigation is considered necessary for the operational phase.

Cumulative noise impacts associated with traffic generated from other development in the surrounding environment have been assessed and the overall impact is deemed to be long term and not significant. Residual impacts during construction phase will be short term moderate while during operational phase will be neutral, long term and not significant.

I have considered all the written submission received in relation to noise and vibration and I do not consider there is a significant adverse direct, indirect or cumulative effects are likely to arise.

12.10. Landscape and Visual Amenity

Chapter 10 of the EIAR deals with landscape and visual amenity.

The subject site is a relatively flat site, surrounded by trees and mature hedging, separating it from the rest of St Anne's Park to the north, east and south. St Anne's Park is a designated Conservation Area. St Paul's School is located to the west, a residential development, The Meadows, to the west and Sybil Hill House, a protected structure, is located to the north of the proposed new access road and west of the site. The site slopes slightly from north-west to south-west by c. 4m.

The site does not contain any specific landscape designations, and as stated below the proposed development is considered to be consistent with the Z15 zoning objective for the site.

The proposed development includes 9 no residential apartment blocks, where the highest Block 3 and 5 at 9 no. storeys and measuring 27.96m in height. In addition to the construction of the new buildings the proposal includes the removal of a prefabricated building, the removal of 13 no trees at the southern end for the access road, 7 trees at the rear of the Meadows Estate which are in poor condition and other minor works to a small number of trees. The application is accompanied by an Arboriculture Report.

A 2 m high railing fence is proposed along the south of Block 7, 8 & 9 adjoining the 25% allocation for public open space. These lands are to be taken in charge and plans and particulars indicate a final design to be agreed with the PA. The design of the railing should be such as to enhance the character of the open space and St Anne's and should be agreed with the PA before any development. The proposed pedestrian access into St Anne's has been raised by the PA. I note access into St Anne's is currently restricted. The application is accompanied by a Landscape Design Report.

Photomontages accompany the application and are included in the Appendix of the EIAR. Thirteen sensitive receptor locations are selected. I note the location of these reference points include potential sensitive receptors and I consider a reasonable quantum and location of these acceptable. The EIAR reports imperceptible neutral in the majority of reference points and slight to moderate negative on the Meadows residential estate, Sybill Hill House and St Pauls College. Mature planting will

provide screening to St Anne's Park. The view of the upper floors from Ardilaun Court, an apartment development to the North West, will be slight and negative.

During construction phase the removal of trees give rise to a negative visual impact although is deemed a slight negative short-term impact. The operation phase and the inclusion of the higher buildings is addressed in the photomontages. St. Anne's Park, the site is separate from the park and is generally well screened. In terms of the Avenue to St. Anne's Park, it is stated that for the most part the development will not be visible from the Avenue due to its mature evergreen tree-lined linear nature and there will be no adverse impact i.e. View 10 will be neutral. I note the views from the wider area e.g. View 11 from The Meadows, include views from the upper floors and the photomontages illustrate the higher buildings (8/9 floors) as protruding above the existing mature trees. The EIAR conclude these range from slight to significant and are neutral and permanent.

I consider the main impact on Sybil Hill Road will be as a result of modifying the existing entrance, with the impact being localised and slight in nature. The proposed development will be visible from the vicinity of the entrance to St. Anne's Park from Sybil Hill Road or those properties fronting onto All Saints Road, although only the upper floors, and therefore no direct impact. The impact will be imperceptible and neutral. The impacts on both St. Paul's College and The Meadows will be moderate to significant and negative. For the most part, the proposed development will be fully screened and will not give rise to impacts on Sybil Hill House.

The design features of the apartment to mitigate against visual impacts include the location of taller buildings at the centre of the site with a step down to the west, south and east. Further mitigation measures include the positioning of the public open space along the south, adjoining St Anne's Avenue, a significant area of communal open space between Block 1 and The Meadows, the retention of trees along the boundaries and planting of new semi-mature trees in the open space at the rear of The Meadows. Having regard to the mitigation measures I consider the impact on The Meadows will be minimised and will be moderate and reasonable for development on zoned lands in the metropolitan area.

I have considered all of the written submissions made in relation to landscape and visual impacts, undertaken a detailed assessment of the matter in the main

assessment above, and I am satisfied that all the issues have been addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on the landscape or visual amenity of the area are likely to arise.

12.11. Cultural, Archaeological and Architectural Heritage

Chapter 11 of the EIAR deals with this topic.

A History of the site is provided and the site forms part of an estate called Maryville. There are no Record of Monuments and Places (RMP) within or on close proximity to the subject site. A total of 25 RMP sites are located within a 2km radius of the site. In addition, there are no Monuments or sites under Preservation Orders within or in proximity to the proposed development.

Sybil Hill House is located directly west of the site and north of the proposed access road and is a Protected Structure (Ref. 7910) in the Dublin City Record of Protected Structures. The gardens of Sybil Hill House (DU-50-O-203374) and St. Anne's Park (DU-50-O-217373) are stated by the applicants to be listed in the National Inventory of Architectural Heritage, as yet unpublished. St. Anne's Park is a Conservation Area, it is not an Architectural Conservation Area. Policy CHC4 provides guidance for the enhancement. A Conservation Impact Assessment accompanied the application.

None of the boundaries of the application site are of historical significance. A red bricked wall just beyond the northern boundary is a surviving wall of the walled garden associated with the site of Maryville House, an Architectural Heritage Site (AH1). No surface trace of Maryville House and garden was evident, with the exception of one length of wall, which is just outside the boundary. Whilst it is noted the absence of any protection the retention of this wall could have a positive impact on character of the site as referenced in the assessment below relating to the boundary treatment.

A total of four heritage sites- three of Architectural Heritage and one area of Archaeological Potential- were identified as being impacted by the proposed development. Sites of identified Architectural Heritage significance are Maryville (Site AH1), Sibyl hill (AH2) and the entrance avenue to St. Anne's Park (Site AH3). The one impacted Area of Archaeological Potential is the boundary between

Maryville townland and Sibylhill townland (AP1) which may preserve a Gaelic *tuath* territorial boundary. This boundary forms the western boundary of the proposed development. The impact on the Archaeological Heritage townland boundary (AP1) will potentially be negative, permanent in duration and significant. However, it is noted that when recommended mitigation measures are taken into consideration, the level of potential impact reduces to moderate. A submission from the DCHG considered the information in the EIAR and on the basis of the Archaeological Impact Assessment considered there was no object to the proposed development subject to the engagement of a suitably qualified archaeologist to co-ordinate mitigation measures.

The impact on Maryville (AH1) will be a significant direct impact due to the potential to impact on sub surface materials however, the opportunity to retrieve information on the demolished Maryville House and to preserve the derelict elements of its demesne landscape in situ is considered a positive impact. It is stated that when mitigation measures are taken into consideration, the level of impact reduces to moderate.

There would be no direct impacts on the built heritage of Sybil Hill House (AH2) and no cumulative impacts, with slight effects on its setting. The Conservation Impact Assessment notes the proposed access road would have little impact on the character and setting. The design of Block 1 and the decrease in height takes into consideration the setting of the protected structure. There would be no direct or cumulative impacts on the Conservation Area of St. Anne's Park, with moderate effects on its setting (AH3).

I have considered all of the written submissions made in relation to this topic and I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions and I consider the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of cultural, archaeological and architectural heritage.

12.12. Material Assets: Traffic, waste and utilities (including risk assessment).

Chapter 12 of the EIAR deals with the topic of material assets: roads and traffic, transportation and site services. Chapter 13 deals with risk assessment relating to the proposed development.

A new access road is proposed into the development through St Paul's site and includes upgrades to the public road. Connections to public water services is proposed and the principles of these proposals, as addressed below, are considered acceptable.

The proposed development will not give rise to any likely significant long term impacts or effects. Slight negative impacts will be experienced during the construction phase with construction traffic on the local road network and with disruptions to water supply caused by local connections, which will be temporary in nature. Existing demands for potable water can be catered for in the network. The impact of the proposal in the existing foul drainage system will be to increase the quantity and rate of discharge to the existing foul sewer system, while the impact of the proposal on existing surface water network will be to maintain the level of discharge below existing greenfield levels. Mitigation is dealt with under Section 12.5 of the EIAR.

I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of material assets.

12.13. Interaction between Environmental Factors

Interactions between environmental factors are analysed within each of the separate chapters and Chapter 14 of the submitted EIAR consolidates and deals with interactions between environmental factors.

Table 14.1 provides an overall analysis of the main interactions between each of the environmental factors, which phase of interaction and the significance of effect. The most significant impacts identified relate to the construction phase and population human health, in particular noise and construction, air and dust etc. Mitigation

measures including a CEMP, as discussed above, will prevent any significant negative impact from the construction phase

Other specific interactions have been included in each of the environmental topic chapters of the EIAR with appropriate mitigation measures included and co-ordination between environmental specialists. I consider this approach to be satisfactory and that adequate consideration has been given to the interactions.

The primary interactions are included in Table 14.1 of the EIAR, which I have summarised as follows:

- Human beings and air quality
- Air quality and traffic
- Air quality, flora, fauna and water
- Air quality, soil, geology and noise.

I have considered the inter-relationships between the factors and whether these might as a whole affect the environment, even though effects may be acceptable when considered on an individual basis. Most inter-relationships are neutral in impact when the mitigations measures proposed are incorporated into the design, construction or operation of the proposed development.

In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures and suitable conditions.

12.14. **Cumulative Impacts**

The main cumulative impacts relate to the proposed development to the playing pitches on St Pauls school site, currently with the Board, and other currently permitted and developed sites in the immediate vicinity e.g. Ardiluan Court. The impacts on the surrounding area and interaction on environmental factor is included these cumulative impact and will be subject to the necessary environmental mitigation. In addition, each individual section includes an assessment of the cumulative impact which I have noted and I do not consider the residual cumulative impact is significant.

12.15. Reasoned Conclusion on Significant Effects

Having regard to the examination of environmental information in the EIAR, other information in the plans and particulars and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A long term positive impact with regard to population and human health due to the increase in the housing stock and support for existing facilities in the area.
- Biodiversity impacts on the site will be short term negative and will be mitigated by construction management measures, measures for water protection, the significant provision of active and passive open space, protection of trees to be retained, landscaping, measures to avoid disturbance to bats, and provision of bat boxes.
- Land and soil impacts will be short term direct and indirect and any negative impacts will be mitigated by appropriate excavation on the site, measures to control sediment in surface runoff and use of construction management measures.
- Water Impact will be short term and neutral and the potential for impact on the water quality of Naniken River will be mitigated by the use of specialised construction management measures during construction, servicing of the site to the public system and mitigation measures to prevent and water pollution.
- Impacts on air quality and climate during construction will be short term and mitigated by a dust management plan and the provision of good quality design and highly efficient buildings.
- Noise and vibration impacts during construction will be short term and will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of typical noise levels.
- Landscape and visual impacts will be moderate and negative at certain locations and will be mitigated by the use of the location of the public and communal open space , landscape features and additional planting, the

design height of the development in particular the apartments central to the site.

- Traffic and transportation impacts, which will be mitigated by the phasing of the development, the delivery of a access through an existing entrance and provision of enhanced connectivity and package of local road improvement measures,
- Culture Archaeological and Architectural Heritage impacts are short to long term and both positive, archaeological monitoring, and negative, which will be mitigated by design and landscaping, pre-construction surveys and site investigations, and monitoring of ground works.
- The main impact on material assets, transport, water and utilities will be negative and short term during construction phase and will be mitigated by a construction management plan.

12.16. The likely environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

13.0 **Appropriate Assessment**

Planning History

13.1. A similar proposal for residential development on the same site (ABP 302225-18) was previously refused permission for two reasons, having regard to inadequate information provided within the screening assessment and the Natura Impact Statement (NIS), as summarised below:

- Exclusion of relevant species of Special Conservation Interest (SCI), listed in the screening, from the Natura Impact Statement (NIS), based on the infrequency of their use on lands and their low numbers.
- Lack of adequate qualitative analysis and lack of certainty that the Light-Bellied Brent Goose (LBBG), would successfully relocate to other potential inland feeding in the wider area (stated in mitigation).

A Screening Report and NIS was submitted with the previous application. A Screening Report and NIS is also submitted with this application (further discussed below) which have been undertaken by different consultants.

Stage 1: Screening for Appropriate Assessment

13.2. The site is not designated for any European Site. A Screening for Appropriate Assessment accompanied the application which list the following 16 no. Natura 2000 Sites located within the vicinity of the site which have the potential to be impacted.

Table 10 - European sites assessed for the purpose of screening.

Site name and code	Distance from the site	Qualifying Interest
North Bull Island SPA (004006)	c. 1.2km to the west	Wintering Waterfowl
North Dublin Bay SAC (000206)	c. 1.2km to the west	Tidal Mudflats and Sandflats Annual Vegetation of Drift Lines Salicornia Mud Atlantic Salt Meadows Mediterranean Salt Meadows Embryonic Shifting Dunes Marram Dunes (White Dunes) Fixed Dunes (Grey Dunes)* Humid Dune Slacks Petalwort (Petalophyllum ralfsii)
South Dublin Bay and River Tolka Estuary SPA (004024)	c. 1.2km to the north	Wintering Waterfowl
South Dublin Bay SAC (000210)	c. 3.5km to the north of	[1140] Tidal Mudflats and Sandflats [1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand

		[2110] Embryonic shifting dunes
Baldoyle Bay SPA (004016)	c. 5km to the south west	Wintering Waterfowl
Baldoyle Bay SAC (000199)	c. 5km to the south west	[1140] Tidal Mudflats and Sandflats [1310] Salicornia Mud [1330] Atlantic Salt Meadows [1410] Mediterranean Salt Meadows
Rockabill to Dalkey Island SAC (003000)	c. 6.5 km to the west	[1170] Reefs [1351] Harbour Porpoise (<i>Phocoena phocoena</i>)
Howth Head Coast SPA (004113)	c.9 km to the west	[A188] Kittiwake (<i>Rissa tridactyla</i>) [breeding]
Howth Head SAC (000202)	c. 6km to the west	[1230] Vegetated Sea Cliffs [4030] Dry Heath
Irelands Eye SPA (004117)	c. 9 km to the south west	[A017] Cormorant (<i>Phalacrocorax carbo</i>) [breeding] [A184] Herring Gull (<i>Larus argentatus</i>) [breeding] [A188] Kittiwake (<i>Rissa tridactyla</i>) [breeding] [A199] Guillemot (<i>Uria aalge</i>) [breeding] [A200] Razorbill (<i>Alca torda</i>) [breeding]
Irelands Eye SAC (002193),	c. 9 km to the south west	[1220] Perennial Vegetation of Stony Banks [1230] Vegetated Sea Cliffs
Malahide Estuary SPA (004025)	c. 9km to the north	Wintering Waterfowl
Malahide Estuary SAC (000205),	c. 8km to the north	[1140] Tidal Mudflats and Sandflats [1310] Salicornia Mud [1330] Atlantic Salt Meadows [1410] Mediterranean Salt Meadows [2120] Marram Dunes (White Dunes)

		[2130] Fixed Dunes (Grey Dunes)*
Dalkey Islands SPA (004172)	c. 12km to the south east	[A192] Roseate Tern (<i>Sterna dougallii</i>) [passage] [breeding] [A193] Common Tern (<i>Sterna hirundo</i>) [passage] [breeding] [A194] Arctic Tern (<i>Sterna paradisaea</i>) [passage] [breeding]
Rogerstown Estuary SPA (004015)	c. 14km to the north	Wintering Waterfowl
Rogerstown Estuary SAC (000208)	c. 14km to the north	[1130] Estuaries [1140] Tidal Mudflats and Sandflats [1310] Salicornia Mud [1330] Atlantic Salt Meadows [1410] Mediterranean Salt Meadows [2120] Marram Dunes (White Dunes) [2130] Fixed Dunes (Grey Dunes)*

13.3. The Screening Report has regard to the following in determining the potential impacts on those European sites in the vicinity of the site, which I consider reasonable:

- location of the Naniken River c.100m to the north of the site,
- the inclusion of mitigation measures,
- the proposed servicing of the site,
- the existing habitats within the site, and
- the use of the site as an ex-situ feeding site for qualifying interest in the SPAs listed above.

13.4. I note the scale and nature of the proposed development, the location of the site, the habitats on the site and the information contained in the Screening Assessment, in particular the specific conservation objectives and the absence of any source-pathway-receptor to those specific European sites listed above. I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed

development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following European sites,

- Baldoyle Bay SAC (000199),
- Howth Head SAC (000202),
- Rockabill to Dalkey Island SAC (003000),
- Malahide Estuary SAC (000205),
- Irelands Eye SAC (002193),
- Rogerstown Estuary SAC (000208),
- Irelands Eye SPA (004117),
- Dalkey Islands SPA (004172),
- Howth Head Coast SPA (004113),

in view of the site's Conservation Objectives, and that (Stage 2) appropriate assessment (and submission of an NIS) is not therefore required.

In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites.

13.5. On the basis of the information contained on the file, the use of mitigation measures and the potential use of the site as ex-situ feeding area for some or all of the qualifying interest of European sites, the possibility of significant effects of the proposed development on the following European sites cannot be ruled out.

- North Dublin Bay SAC (000206)
- South Dublin Bay SAC (000210)
- North Bull Island SPA (004006)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- Baldoyle Bay SPA (004016)
- Malahide Estuary SPA (004025)
- Rogerstown Estuary SPA (004015).

Therefore, I conclude it necessary to undertake Appropriate Assessment as further detailed below.

Stage 2: Appropriate Assessment

13.6. Compliance with Article 6(3) of the Habitats Directive

Section 177V of the Planning and Development Act 2000 (as amended) requires that an Appropriate Assessment in respect of a development carried out by An Bord Pleanála shall include a determination under Article 6(3) of the Habitats Directive as to whether or not a proposed development would adversely affect the integrity of a European site. This is the case where the possibility of significant effects on a European Site cannot be excluded under Section 177U.

The screening stage concluded that Appropriate Assessment of the implications of the proposed residential development on the St Paul's site, alone and in combination with other relevant plans and projects on the following European sites is required in view of their conservation objectives:

- North Dublin Bay SAC (000206)
- South Dublin Bay SAC (000210)
- North Bull Island SPA (004006)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- Baldoyle Bay SPA (004016)
- Malahide Estuary SPA (004025)
- Rogerstown Estuary SPA (004015).

13.7. Reports and references including consultation

The applicant's NIS was prepared in line with current best practice guidance and provides an assessment of impacts of the removal of the site for feeding wintering birds and impact on the water quality of the Naniken River, c. 100m north of the site.

The NIS submitted with the previous application (ABP 302225-18/ 300559-18) is inserted as Appendix 1 and referenced throughout the NIS submitted with the application as Scott Cawley 2017a. I note the project ecologist of the NIS for this

application was a key surveyor on the previous NIS (Scott Crawley 2017a) and the use of the previous report as an integral part of this NIS is acceptable.

The applicant's NIS concluded that the loss of ex-situ inland feeding habitat as a result of the proposed development will not adversely impact on the conservation objective attributes of the Light- Bellied Brent Geese of "*Distribution*" or "*Population Trend*", will not impact on any other Species of Conservation Interest (SCI) of either "*Distribution*" or "*Population Trend*" or have an adverse effect on the integrity on any European site as a consequence of run-off of sediment/ silt or contaminated waters into the Naniken River.

The following documents and information sources have informed the AA:

- the Natura impact statement
- the Natura impact statement for the previous application (302225-18/300559-18) inserted as Appendix 1.

Summary of consultations and submissions:

- The submitted NIS does not provide a definitive conclusion.
- The proposed development will have a significant negative impact on the conservation objectives of European Designated sites having regard to the removal of the ex-situ site for feeding wintering birds, in particular the LBBG.
- The submission of additional wintering bird surveys is not sufficient to conclude on any impact.
- The reasons for refusal from the previous decision should remain.
- The applicant does not have control over other sites included in the assessment.
- A submission from the DCHG notes the loss of lands for the LBBG and the potential to reduce the quality of feeding resources and the temporal and spatial variation of the LBBG feeding patterns. The Department states that AA must conclude no adverse impact on the conservation attributes of the LBBG.

13.8. Having reviewed the documents, submissions and consultations with the NPWS etc., I am satisfied that the information allows for a complete assessment of any potential

adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- North Dublin Bay SAC (000206)
- South Dublin Bay SAC (000210)
- North Bull Island SPA (004006)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- Baldoyle Bay SPA (004016)
- Malahide Estuary SPA (004025)
- Rogerstown Estuary SPA (004015).

Special Areas of Conservation (SACs).

13.9. The Naniken River flows c.100m to the north of the site west to east. The watercourse flows for c.1.7km from where it exits the culvert under the Clontarf Road, to where it enters the South Lagoon at North Bull Island entering Dublin Bay. The North Dublin Bay SAC (000206) and South Dublin Bay SAC (000210) are located to the east of the site and include coastal habitats which may be susceptible to impacts from alterations to the water quality and those habitats of Qualifying Interest (QI) are listed below in Table 11. The Naniken River provides a hydrological connection between the subject site and both European Designated sites listed above. The proposed development includes a discharge of surface waters to the Naniken River and connection of the foul to Ringsend Wastewater Treatment Plant.

Table 11- The Conservation Objectives SACs in the vicinity.

European Designated site	Qualifying Interest (QI)	Conservation Objective (favourable status)
North Dublin Bay SAC (000206)	Tidal Mudflats and Sandflats	Maintain
	Annual Vegetation of Drift Lines	Restore
	Salicornia Mud	Restore
	Atlantic Salt Meadows	Maintain
	Mediterranean Salt Meadows	Maintain

	Embryonic Shifting Dunes	Restore
	Marram Dunes (White Dunes)	Restore
	Fixed Dunes (Grey Dunes)*	Restore
	Humid Dune Slacks	Restore
	Petalwort (<i>Petalophyllum ralfsii</i>)	Maintain
South	Tidal Mudflats and Sandflats	Maintain
Dublin Bay	Annual vegetation of drift lines	Restore
SAC	Salicornia and other annuals colonising mud	Restore
(000210)	and sand	
	Embryonic shifting dunes	Restore

Mitigation measures, listed in Section 8.2.1 of the NIS, include the implementation of a Construction Environmental Management Plan (CEMP) to prevent the release of hydrocarbons or sediment into the Naniken River, via surface water during construction, which include but are not limited to:

- Silt traps, fences, sedimentation ponds and filter materials and appropriate locations,
- Implementation of a Construction Environment Management Plan (CEMP),
- Best practice methods for working beside water features etc.

13.10. These mitigation measures will be implemented by the construction contractor and no monitoring is proposed. Scott Cawley 2017a, considered only an accidental pollution incident or construction related sedimentation run-off would have any impact on those QI above. I note a current proposal before the Board (301482-18 Reg Ref 3777/17) for playing pitches for St Paul's which I have considered in my assessment. Having regard to the nature and scale of the works and the nature and location of the QI and having regard to any other projects and those mitigation measures listed, I do not consider the proposed development will adversely affect any of those QI listed above in Table 11.

13.11. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the

integrity of North Dublin Bay SAC (000206) and South Dublin Bay SAC (000210). This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Special Protection Areas (SPAs)

13.12. The subject site has been identified as an *ex-situ* inland feeding site for Species of Conservation Interest (SCI) from a number of European sites with bird surveys recording Light Bellied Brent Goose (LBBG), Bar tailed Godwit and Black Headed Gull, Oystercatcher and Curlew on the site. Therefore, a source- pathway- receptor has been identified between the site and European sites within the vicinity. The impact of the proposed development on the conservation objectives, in particular the above listed SCIs, of following SPAs have been assessed:

Table 12: Conservation Objectives for North Bull Island SPA

European Designated Site	Qualifying Interest (QI)	Conservation Objective (favourable status)
North Bull Island SPA (004006)	A046] Light-bellied Brent Goose (<i>Branta berniclahrota</i>) [wintering] [A048] Shelduck (<i>Tadorna tadorna</i>) [wintering] [A052] Teal (<i>Anas crecca</i>) [wintering] [A054] Pintail (<i>Anas acuta</i>) [wintering] [A056] Shoveler (<i>Anas clypeata</i>) [wintering] [A130] Oystercatcher (<i>Haematopus ostralegus</i>)[wintering] [A1 0] Golden Plover (<i>Pluvialis apricaria</i>) [wintering] [A141] Grey Plover (<i>Pluvialis squatarola</i>) [wintering] [A143] Knot (<i>Calidris canutus</i>) [wintering] [A144] Sanderling (<i>Calidris alba</i>) [wintering] [A149] Dunlin (<i>Calidris alpina</i>) [wintering] [A156] Black-tailed Godwit (<i>Limosa limosa</i>) [wintering] [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>) [wintering] [A160] Curlew (<i>Numenius arquata</i>) [wintering]	To maintain conservation status of all species listed

	<p>[A162] Redshank (<i>Tringa totanus</i>) [wintering]</p> <p>[A169] Turnstone (<i>Arenaria interpres</i>) [wintering]</p> <p>[A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>)[wintering]</p> <p>[A999] Wetland and Waterbirds</p>	
<p>Baldoyle Bay SPA (004016)</p>	<p>[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [wintering]</p> <p>[A048] Shelduck (<i>Tadorna tadorna</i>) [wintering]</p> <p>[A137] Ringed Plover (<i>Charadrius hiaticula</i>) [wintering]</p> <p>[A140] Golden Plover (<i>Pluvialis apricaria</i>) [wintering]</p> <p>[A141] Grey Plover (<i>Pluvialis squatarola</i>) [wintering]</p> <p>[A157] Bar-tailed Godwit (<i>Limosa lapponica</i>) [wintering]</p> <p>[A999] Wetland and Waterbirds</p>	<p>To maintain the favourable conservation status of all species.</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [wintering]</p> <p>[A130] Oystercatcher (<i>Haematopus ostralegus</i>) [wintering]</p> <p>[A137] Ringed Plover (<i>Charadrius hiaticula</i>) [wintering]</p> <p>[A141] Grey Plover (<i>Pluvialis squatarola</i>) [wintering]</p> <p>[A143] Knot (<i>Calidris canutus</i>) [wintering]</p> <p>[A144] Sanderling (<i>Calidris alba</i>) [wintering]</p> <p>[A149] Dunlin (<i>Calidris alpina</i>) [wintering]</p> <p>[A157] Bar-tailed Godwit (<i>Limosa lapponica</i>) [wintering]</p> <p>[A162] Redshank (<i>Tringa totanus</i>) [wintering]</p> <p>[A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [wintering]</p> <p>[A192] Roseate Tern (<i>Sterna dougallii</i>) [passage]</p> <p>[A193] Common Tern (<i>Sterna hirundo</i>) [breeding] [passage]</p> <p>[A194] Arctic Tern (<i>Sterna paradisaea</i>) [breeding] [passage]</p> <p>[A999] Wetland and Waterbirds</p>	<p>To maintain the favourable conservation status of all species.</p> <p>Grey Plover to be removed.</p>

<p>Rogerstown Estuary SPA (004015)</p>	<p>Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]</p>	<p>To maintain the favourable conservation status of all species.</p>
<p>Malahide Estuary SPA (004025)</p>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Pintail (<i>Anas acuta</i>) [A054] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]</p>	<p>To maintain the favourable conservation status of all species.</p>

13.13. The possibility of disturbance and/or displacement of those qualifying interests during the construction and operational phases of the proposed development has been identified as in the NIS. The Inspector's Report on the previous permission had regard to the Z15 zoning on the site where residential was open for

consideration, the increase in population of the LBBG in Ireland over the past five years, the amount of remaining ex-situ lands for the feeding LBBG and the capacity to absorb any loss from St Paul's. Having regard to these main factors it was concluded the proposed development would not adversely affect the integrity of those five relevant SPAs and the Conservation Objectives. The Board did not accept that there was sufficient information to conclude that the LBBG would successfully relocate to other potential inland feeding in the wider area. The management regime of the subject site has been altered since the submission of the previous SHD application. The maintenance of the grass and mowing has ceased and the old pitches have become overgrown.

13.14. As stated above, the bird surveys and data from the previous NIS (Scott Cawley 2017a) are utilised in the submitted NIS. No issues were raised from any observations in relation to the quality of this data and whilst I note third party submissions to the proposed development recommend the use of other data sources, I consider the information contained in the NIS, summarised below, sufficient to assess any impacts on the qualifying interests:

- Wintering Bird Surveys (WBS) 2015/2016 & 2016/17,
- Dublin Network Wintering Bird Surveys 2016 & 2017,
- Wintering Bird Surveys at St Paul's, St Anne's Park and North Bull Island 2015/16 & 2016/17,
- **New** Wintering Bird Surveys 2018/2019.

13.15. In addition to an assessment of the impact on the LBBG, the submitted NIS has regard to other Special Conservation Interest (SCI) species with particular reference to the Board's first reason for refusal and the exclusion of certain relevant species of SCI from the NIS based on the infrequency of their use on lands and low numbers. I have addressed the impact, in the first instance on the LBBG and the remaining SCI species which were recorded on the site thereafter.

Light Bellied Brent Goose (*Branta bernicla hrota*) (LBBG)

13.16. The Baldoye Bay SPA (004016), South Dublin Bay and River Tolka Estuary SPA (004024), Rogerstown Estuary SPA (004015), North Bull Island SPA (004006) and Malahide Estuary SPA (004025) are listed as an internationally important site for

special conservation interest of wetlands and waterbirds including the Light Bellied Brent Goose.

13.17. It is acknowledged that the subject site has been identified as an important ex-situ feeding site for the LBBG as a wintering bird. The previous NIS argued that the LBBG is not site specific and can successfully feed on other sites should it become displaced from one particular site. An analysis of colour-ringed birds (from the *Dublin Network Wintering Bird Surveys 2016 & 2017*) during the 2018/2019 bird surveys indicates that the LBBG recorded foraging at St Paul's site are utilising it on a random basis as they were recorded on more than one occasion on other sites. The infidelity of LBBG to specific feeding sites is further supported by a submission from the DCHG which notes that whilst the LBBG are "*reliant on the availability of feeding recourses on such amenity lands there is temporal and spatial variation in such usage*".

13.18. As stated above, the management regime of the subject site has been altered to remove any mowing which has ultimately lead to the site becoming an unattractive habitat for the feeding LBBG, therefore reducing the numbers utilising the site. On foot of the change in management regime, two additional surveys are included in this NIS:

- Wintering Bird Surveys 2018/19, &
- St Paul's Site specific Wintering bird survey.

13.19. The St Paul's site specific survey was further split between the school pitch and the development site. The entire site replicates the survey reference in the 2017a NIS. The information gathered in the first survey was to allow direct comparisons and provide further qualitative assessment of the impact of the proposed development.

13.20. The submitted bird survey differs from the previous Scott Crawley 2017a in so far as 139 no. *ex-situ* feeding where surveyed as opposed to 161 (some have been discounted due to absence of relevant habitat whilst others have been added due to the presence of possible relevant habitat). I note Scott Crawley 2017a NIS had also varied the inland sites surveyed for similar reasons and I do not consider this would have a significant bearing on any findings.

13.21. The results from the 2019 surveys indicate that the removal of St Paul's as a feeding site would not have a significant negative impact on the conservation attributes of the LBBG and a number of issues raised by the results of the survey are highlighted below:

- The change in management regime removed the presence of LBBG using the site as ex-situ feeding,
- Of those colour ringed LBBG recorded on more than one occasion in the 2018/17 survey, 64 no. colour-ringed LBBG were recorded on the St Paul's site in 2016/2017 and were listed as using 16 other ex-situ sites. The NIS concludes that a minimum of 18 ex-situ feeding sites are now being used by those 64 no colour ringed LBBG identified at the St Paul's site, indicating the wider dispersal of those geese previously using the site.
- Table 4 indicates a significant increase/ decrease in the use of other sites in the known network by LBBG during the 2018/19 survey period.
- LBBG are not only reliant on inland habitat for winter feeding,
- The full network of potential habitat is not utilised by LBBG during every given season as proven in the submitted bird surveys.
- Dublin Network WES data no longer recorded St Paul's as one of the top 10 feeding sites for LBBG.

13.22. Third party submissions do not question the final results presented, rather they query the appropriate period used for the collection of data. I note the limitations highlighted in the updated NIS as being one year's change in management and one year's additional data collection, although having regard to the findings presented including the scale of the network surveys and the long term data collection, I consider the information presented inclusive to conclude without any scientific doubt any impact on the LBBG. References to different variables used during surveys e.g. days and times of survey, absence of swards heights analysis and duration of analysis etc. has raised concern over the validity of the use of the 2018/2019 surveys. I consider the updated information clearly links the use of ex-situ sites to

specific management type of the lands and also confirms the LBBG ability to utilise other available sites upon displacement.

13.23. In relation to in combination effects, the Scott Cawley 2017a contained an in-depth analysis of the current and proposed use of other ex-situ lands in the identified feeding network and had regard to the zoning on the majority of these sites for amenity/ open space/ green network/ recreation and amenity which will essentially remove any potential for development and retained these lands as part of the ex-situ feeding. Table 9 of the NIS provides an assessment of the sites which were initially provided with Priority 1 status with 6 no. sites including grants of permission or pending applications and concludes the combined loss will not be significant, having regard to the scale of network available and the sites designated of international importance.

13.24. I consider the uncertainties raised in the Boards previous reason for refusal have been addressed by the submission of the information presented in the NIS, which provides a quantitative assessment of the impact of the removal of the use of St Paul's from the wider feeding network for the LBBG. The results of the surveys presented in the NIS clearly indicate that the change in management regime removed the use of the site by the geese, from January to February the LBBG use the grassland sites to a greater extent, the ringed birds assessment indicates variation in the use of sites during the winter with no evidence of site fidelity and proves the displacement of birds using St Pauls site to other available sites, and that there appears to be at least 22% additional capacity in the Dublin network at any one time. Therefore, I can conclude that the proposed development would not adversely affect the integrity of the European sites in view of the sites conservation objectives relating to the Light Bellied Brent Geese and there is no reasonable scientific doubt as to the absence of such effects.

Oystercatcher (*Haematopus ostralegus*)

13.25. The Oystercatcher is listed as a species of SCI in the four SPA's in the vicinity of the site Malahide Estuary SPA (004025), Rogerstown Estuary SPA (004015), South Dublin Bay and River Tolka Estuary SPA (004024) and North Bull Island SPA (004006). The wintering bird surveys from 2015-2019 recorded the presence of this bird on St Paul's and therefore a source-pathway-receptor is identified between the

application site and those SPA's. The loss of a known *ex-situ* inland feeding site (Scott Cawley Ltd., 2017a) as a result of the construction and operation has a potential to impact the conservation objectives of the Oystercatcher.

13.26. The conservation objectives of the Oystercatcher in all of the sites is to maintain the favourable status with the long term population trend in Ireland is increasing. Table 3 of the NIS includes an analysis of the presence of Oystercatcher from 2015 to 2019 which indicates a variation in numbers using the site over the years and during the winter period. The results of wintering bird surveys at the site have demonstrated that this site is not considered to be of High or Major Importance for any the Oystercatcher with the season peak counts below the thresholds of international importance (1%). Updated bird surveys noted the infrequent use of the site by the Oystercatcher and Table 3 recorded a reduction in the numbers of Oystercatcher using the site since 2015 with 8 recorded in 2018/19. Following the appropriate assessment and updated bird surveys, I am able to ascertain with confidence that the project would not adversely affect the integrity of any of those SPAs with Oystercatcher as a qualifying interest.

Curlew (*Numenius arquata*)

13.27. The Curlew is listed as a species of SCI in the North Bull Island SPA. The wintering bird surveys from the previous three years recorded the presence of the Curlew on St Paul's and therefore a source-pathway-receptor is identified between the application site and the European Site. The results from the bird surveys 2015-2019 record the Curlew hunting on the site. The loss of a known *ex-situ* inland feeding site (Scott Cawley Ltd., 2017a) as a result of the construction and operation has a potential to impact the conservation objectives of the Oystercatcher

13.28. The Conservation Objectives of Curlew in North Bull Island SPA is favourable. Table 3 of the NIS provides an analysis of the recorded sightings of the Curlew in the previous three years and whilst the peak count on one given day increased, the number of visits of which the bird was recorded has decreased from 48% to 30%. The bird surveys indicate a presence on the site in very small numbers and well below the International population estimates of 1% and of the national average (350 Curlew). The bird surveys did not record any of the species roosting on the site and having regard to the low numbers present on the site, relative to the national average

numbers, it is not classified as high or major importance for the foraging of the Curlew due to the presence of low numbers of the species recorded on the site. Following the appropriate assessment and updated bird surveys, I am able to ascertain with confidence that the proposed development would not adversely affect the integrity of any of those SPAs with Curlew as a qualifying interest.

Black-tailed Godwit (*Limosa limosa*)

13.29. The Black-tailed Godwit is listed as a species of SCI in three SPAs in the vicinity of the site Malahide Estuary SPA (004025), North Bull Island SPA (004006) and Rogerstown Estuary SPA (004015). The wintering bird surveys from 2015-2019 recorded the presence of this bird on St Paul's and therefore a source-pathway-receptor is identified between the application site and those SPAs. The loss of a known ex-situ inland feeding site (Scott Cawley Ltd., 2017a) as a result of the construction and operation has a potential to impact the conservation objectives of the Black-tailed Godwit.

13.30. The conservation objectives of the Black-tailed Godwit in all of the sites is to maintain the favourable status with the long term population trend in Ireland is stable or increasing. Table 3 of the NIS includes an analysis of the presence of Bar-tailed Godwit from 2015 to 2019 which indicates a variation in numbers using the site over the years and during the winter period. The results of wintering bird surveys indicate the use of the site by 14 Black-tailed Godwits in 2019 with no other observations of Black-tailed Godwit were recorded at the sub-site from the remaining 22 no. visits. Therefore, the site is not considered to be of High or Major Importance for the Bar-tailed godwit with the season peak counts below the thresholds of international importance (1%). Following the appropriate assessment and updated bird surveys, I am able to ascertain with confidence that the project would not adversely affect the integrity of any of those SPAs with Black-tailed Godwit as a qualifying interest.

Black-headed Gull (*Chroicocephalus ridibundus*)

13.31. The Black-headed Gull is listed as a species of SCI of two SPAs in the vicinity of the site North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024). The wintering bird surveys from 2015-2019 recorded the presence of this bird on St Paul's and therefore a source-pathway-receptor is identified between the application site and those SPAs. The loss of a known ex-situ inland feeding site

(Scott Cawley Ltd., 2017a) as a result of the construction and operation has a potential to impact the conservation objectives of the Black-tailed Gull..

13.32. The conservation objectives of the Black-headed Gull in both the sites is to maintain the favourable status with the long term population trend in Ireland is stable or increasing. Table 3 of the NIS includes an analysis of the presence of Black-headed Gull from 2015 to 2019 which indicates a variation in numbers using the site over the years and during the winter period. The results of wintering bird surveys indicate the use of the site has increased from 2015 although the numbers recorded on the site have decrease and remain very low with only 31 recorded as a peak count. Therefore, the site is not considered to be of High or Major Importance for the Black-headed Gull with the season peak counts below the thresholds of international importance (1%). Following the appropriate assessment and updated bird surveys, I am able to ascertain with confidence that the project would not adversely affect the integrity of any of those SPAs with Black-headed Gull as a qualifying interest.

Conclusion

13.33. The proposed strategic housing development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it would be likely to have a significant effect on:

- North Dublin Bay SAC (000206)
- South Dublin Bay SAC (000210)
- North Bull Island SPA (004006)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- Baldoyle Bay SPA (004016)
- Malahide Estuary SPA (004025)
- Rogerstown Estuary SPA (004015).

13.34. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the

proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the 7 no. European sites listed above, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

14.0 Assessment of Other Issues

The main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Impact on Residential and Visual Amenity
- Part V
- Built Heritage
- Traffic and Parking
- Drainage

Principle of Development

- 14.1. The proposed development includes a residential development of 657 no. apartments, residential tenant amenity space, and a crèche set out in 9 no. blocks, ranging in height from 5 to 9 storeys. The site is located to the rear of an existing school, St Pauls, and the subject site has historically been linked as recreational space for the school.
- 14.2. The lands, including the adjoining school and subject site are zoned Z15, institutional lands, where it is an objective *“to protect and provide for institutional and community uses”*. Residential development is open for consideration. The development plan places emphasis on the provision of a masterplan, where there is no longer a need for the institutional use, and should set out a clear vision for the lands with the identification of 25% of the lands for open space and/or community facilities, in lieu of the 10-20% of public open space normally provided for in development plan standards. A master plan accompanied the application which illustrates the subdivision of the Z15 lands for the subject site, Vincentian Order and St Pauls

School. A new 1.6ha public open space is provided to the south of the site in compliance with the requirement for 25% public open space.

- 14.3. A significant amount of submissions to the application have raised concern in relation to the lack of available space for the existing school to expand and the loss of recreational facilities. A Demographic Analysis and Community Infrastructure and School Demand Capacity Assessment Report accompanied the application as compliance with Section 14.8.14 of the development plan and justification for the use of the lands and impact on the existing school site. This report contains an letter from the Department of Education and Skills (2019) referring to the necessity for an additional primary school in the area, with no site being identified as yet and a similar letter from the same department dated 2017 states the proposal will have no adverse impacts on any proposals. The submitted masterplan makes reference to proposed sports facilities for St Paul's School, it should be noted that this application (ABP 301482-18, Reg Ref 3777/17) is currently before the Board for decision. Additional reference is made to facilities in St Anne's Park (112ha) located directly to the east of the site, including numerous playing pitches, including synthetic surfaces for football and 18 all-weather Tennis Courts, Arboretums, Rose Garden woodlands, walking and cycling routes throughout. A significant number of submissions raise concern in relation to the inclusion of residential development on lands zoned Z15 and consider this proposal is a material contravention.
- 14.4. A previous planning application (302225-18) was refused by the Board for reasons on inadequate information in the NIS which precluded a definitive conclusion to be reached for the Appropriate Assessment. The Boards previous reason for refusal is addressed in the Appropriate Assessment section below. The report of the Inspector to the previous application made reference to the location of the site, the zoning in within the City, the allocation of 25% public open space and remaining facilities in the adjoining St Anne's Park and considered the principle of development acceptable. The most significant changes between this application and the previous proposal includes the removal of the courtyard houses, three additional three apartment blocks (536 units to 657 units), increased height to nine stories, increased density from 83 units per ha to 103 units per ha, larger crèche, basement only parking and the inclusion of the 25% public open space in one large area instead of two smaller areas.

14.5. The proposed development has been advertised for a 10 year permission. I note the Inspector's Report for the previous application (300559-18) and the inclusion of a condition for a 5 year permission. The Strategic Housing Legislation is a process to fast track the delivery of housing. The proposed development does not include the provision of any significant infrastructure and therefore in the event of any grant of permission, I do not consider it justifiable to permit a 10 year lifespan for the proposed development.

14.6. I note the Z15 zoning on the site, the national policy for development in urban centres and the policies and objectives of the development plan, the historic use of the site for playing pitches associated with St Paul's school and the location adjacent to St Anne's Park and I consider the principle of use of the site for housing at this location is acceptable, subject to compliance with other planning considerations, detailed below.

Design and Layout

14.7. The proposal includes 657 no. apartments in 9 no. blocks, ranging in height from 5 to 9 storeys with residential tenant amenity spaces, and a crèche. A summary of each of the apartment blocks is detailed below:

- Block 1 (143 no. units) is located along the west, to the rear of the Meadows housing estate, height range between 5-8 stories (c. 16-25m), tenant amenity space in the basement and ground floor.
- Block 2, (63 no. units) is located at the north of the site 8 storeys (c. 25m)
- Block 3 (71 no. units) in the centre of the site is 9 storeys.
- Block 4 (63 no. units) along the north of the site is 8 storeys.
- Block 5 (71 no. units) is located in the centre of the site is 9 storeys.
- Block 6 (124 no. units) to the north, adjoining the communal open space (east) is 7 storeys.
- Block 7 (36 no. units) to the rear of St Pauls, on the south west corner of the site ranges between 5 to 6 storeys and the crèche is located on the ground floor.
- Block 8 (43 no. units) on the south of the site is 5 to 6 storeys.

- Block 9 (43 no. units) on the southeast corner is 5 to 6 storeys.

14.8. Blocks 1 to 6 are located above the basement parking which is accessed via a ramp adjoining Block 3. Communal open space (25,782m²) is provided to the north east, west and throughout the centre of the blocks of the site and the 25% public open space along the south of the site, adjoining Block 7, 8 & 9 is fenced off from the residential development. The overall design and layout of Blocks 1-9 is generally in conformity with each other and whilst there are variations in height and ground floor design, those with tenant amenity or crèche facilities, the external appearance and use of materials are similar. The external materials are of a high quality design, selected brick finish, metal and glass. The design, use of protruding window elements and variation in balconies affords a contemporary design appropriate for an urban location. A number of third party submissions have raised concern in relation to the overall design and density of the site, which they consider excessive at this location.

14.9. Density: As stated above, the density on the site has been increased from the previously submitted Strategic Housing application. The site is zoned as Z15, institutional use. The density proposed is 103 units per ha. The previous SHD application for 88 units per ha was accepted by the Board as reasonable. The increase in density comprises of the removal of dwellings on the site and an enhanced height, further detailed below. Section 1.2 of the national guidance for building heights in urban areas refers to the objectives contained in the NPF and Rebuilding Ireland national guidance for homelessness and highlights the necessity for efficient use of lands and appropriate densities in city centres. The site is well served by public transport with a bus route around the site and a DART station within walking distance. I note the PA had no objection to the density proposed and having regard to the location of the site in the City and the public transport infrastructure in the vicinity I consider the density on the site is acceptable.

Height: The application has been advertised as material contravention of the CDP having regard to the proposed heights c.16m to c. 28m which is excess of the development plan standards (Section 16.7: 16m/24m) with justification based on the location, design and information contained in the NDP and the building height guidelines. The height of the apartment blocks range from 5 storeys to 9 storeys with the highest apartment blocks in the centre of the site. As previously discussed in the

section of the EIAR, I note the lower heights (5 to 6 storeys) at sensitive locations, e.g. Sybill house (Protected Structure) and along the south of the site facing onto St Anne's Avenue. A number of submissions refer to the failure of the photomontages to fully illustrate the impact on the surrounding area. The report of the PA recommends a reduction in Block 1 to 7 storeys, Blocks 3 & 5 to 8 storeys and Block 6 to part 6/ part 7 storeys. I note in addition to photomontages, a number of contextual elevations accompanied the application. Whilst the apartment blocks extend to 9 storeys at a number of locations, having regard to the relatively flat topography of the site I do not consider they will be overly dominant or overbearing on the surrounding area. I note the height of an existing apartment development (5 storeys) along Sybil Road, Ardiluan Court, which although visible from the surrounding area I do not consider has a significant adverse impact. The PA require a reduction in the height of Blocks 1, 3, 5 and 6. I do not consider this reduction a necessity as there will be no significant negative impact on the residential or visual amenity of the surrounding area, as detailed below and within my assessment of the EIAR. The terms of the 2018 guidelines on building height and the pattern of development in the area would justify a grant of permission for the proposed development despite its height exceeding the benchmark height in the development plan, in accordance with section 37(2) (b)(iii) of the planning act.

14.10. Compliance with Standards: The application is accompanied by a Housing Quality Assessment which details the size of the apartments including the dimensions of the rooms, storage space, private amenity space etc. and concludes that all the apartments comply with both the national and the development plan guidance. I note those SPPRs in the national guidance for apartment development and compliance with the required standards, in particular the size requirements in SPPR 3. SPPR 4 includes a requirement for 33% dual aspect apartments for urban locations with restricted site characteristics and 50% for suburban or intermediate areas. This apartment scheme provides 52.2% dual aspect apartments. A number of third party observations have raised concern in relation to the inclusion of an atrium design in Blocks 1 & 6 (total 53 units). I note the quantum of dual aspect units and the reference in the national guidance to dual aspect as the provision of daylight and cross ventilation and I consider the proposal complies sufficient with the necessity to comply with the appropriate standards for dual aspect units.

14.11. Therefore, having regard to the sites location, well served by public transport and in close proximity to Dublin City Centre, the policies and objectives of both the national guidance for housing, standards for apartments and the development plan and the pattern of development in the vicinity I consider the scale and design of the apartment development is appropriate at this location and permission for the height of the scheme, in exceedance with the development plan standards, is justified in accordance with section 37(2) (b)(iii) of the planning act.

Impact on Residential and Visual Amenity

14.12. Existing Residential Properties: The proposed development is located to the east of The Meadows residential estate which comprises two storey detached dwellings. The closest apartments, Block 1 is c. 25m at its highest point and located c. 50m from the rear of the closet dwellings. A number of submissions from residents of this estate raise concern in relation to the impact of the proposal on their amenity, which I have assessed below.

14.13. Overshadowing: Shadow projection drawings accompanied the application which include an analysis of the impact of the development on three sensitive receptors, The Meadows, Parochial House and St Paul's College and having regard to the orientation and location of the site, I consider these reasonable. The analysis concluded that the apartment development would not cause any overshadowing on any of these properties. I note the location of The Meadows to the west of the site and the distance from block 1 and having regard to the orientation and height of the block, I consider the conclusion from the shadow projection drawings acceptable. Other residential areas are located to the north of the site outside St Anne's Park on the opposite side of All Saints Road, although having regard to the distance and use of St Anne's Park as a buffer I do not consider the proposed development would cause any overshadowing on these properties.

14.14. Overlooking: Section 16.10.2 of the development plan recommends a separation distance of 22m from opposing first floor windows. Block 1 is located c. 50m from the rear of the closest dwellings in The Meadows. The site concept analysis illustrates the inclusion of buffer tree planting to the rear of the existing dwellings (c. 12m), the existing mature trees (c. 24m) and inset balconies along the western elevation of Block 1 as measures to mitigate any impact. I note the overall location, design and

distance of Block 1 from the rear of the existing dwellings and I do not consider there will be any significant negative impact by way of overlooking from the proposed development.

- 14.15. **Overbearing:** The issue of Landscape and Visual Amenity was addressed in the relevant topic in the EIAR, which concluded the overall impact would be moderate and negative although would be mitigated by the inclusion of communal open space at the rear of The Meadows, retention of mature planting and additional proposed planting, which I consider reasonable to prevent a significant negative impact on residents of those properties adjoining the proposed development.
- 14.16. **Proposed Residential Occupants:** As stated above the design and layout of the overall scheme is considered acceptable. The PA have raised concern over the residential amenity of a number of proposed apartment units as follows, Block 1/ apt 18, Block 6/ apt 427, Block 8/ Apt 577 & 578 and Block 9/ Apt 615 & 616 and request removal of these units as their amenity will be reduced having regard to noise and disturbance. I note the location of these apartments and having regard to the orientation of the private amenity space and screening and mandatory compliance with building control regulations and I consider the location of these apartments is satisfactory.
- 14.17. **Residential Amenity Space:** Residential amenity space is provided at ground and basement level of Block 1 (c. 719m²) and ground level of Block 6 (c. 162m²). Block 6 includes an area for a gym and lobby/ gym breakout whilst the amenity space in Block 1 includes a cinema, meeting and function rooms etc. No minimum standards are required in the national guidance although having regard to the facilities and the inclusion of the crèche, detailed below, I consider there is a sufficient quantum and quality of residential amenity provision.
- 14.18. **Crèche:** Section 4.0 of the apartment guidelines refers to the provision of childcare facilities as communal amenities for residents of apartment developments as required in *Planning Guidelines for Childcare Facilities (2001)*, where one childcare facility for every 75 dwellings is required (minimum of 20 spaces). The provision for 433 apartments (2 no and 3 ne bed) is a 115 space crèche. A crèche is provided at ground level in Block 7 with a total floor area of c. 612m². Designated open space (c. 422m²) is provided to the rear, east of the site and is attached to the crèche. I note

the size, location and ancillary facilities such as the set down area and private amenity space and I consider the crèche provision is reasonable.

- 14.19. Daylight Analysis: A Daylight Sunlight Report accompanied the application to illustrate the daylight provision into the proposed apartments. The results indicate 97% compliance with the minimum average daylight factor of 1% for bedrooms and 1.5% for living rooms. The report notes the guidance in the Urban Design Manual with reference to a reduction in the specific criteria for higher density proposals in urban areas, which I consider reasonable for this location.
- 14.20. Open space: A public park 16,041m² is located to the south of the site, adjoining St Anne's Avenue which complies with the 25% requirement for institutional lands. These lands are to be taken in charge and plans and particulars indicate a final design to be agreed with the PA and I consider a condition requiring the final design of these lands should be included in any grant of permission. Communal residential open space (25,782m²) is provided to the west, east and between all blocks and includes a variety of uses and exceeds the 10% requirement. I note a landscaping plan submitted illustrates the designated area and general planting scheme and/or play areas and whilst I consider these details acceptable I consider the plan is deficient in specific details for planting, play equipment and/or finishes, I consider these details can be reasonably included as a condition on any grant of permission. A 2m high railing fence is proposed along the south of Block 7, 8 & 9 adjoining the 25% allocation for public open space. The design of the railing should be such as to enhance the character of the open space and St Anne's and should be agreed with the PA before any development. The number and time of proposed pedestrian accesses into St Anne's has been raised by the PA. I note access into St Anne's is currently restricted and should continue to comply with the existing park requirements. The proposed includes four connection points into St Anne's Park. The PA request that only two park entrances from the development is permitted into St Anne's so to prevent the creation of desire lines and direct people onto existing pavements. I note the access points, one to the pitches north, and three to the pathway to the east and I do not consider any significant desire lines will be created or have a negative impact on the functioning of St Anne's Park.
- 14.21. Having regard to the location of the site, separation distance from existing dwellings and design of the apartment blocks, I do not consider the proposed development

would have a significant negative impact on the residential amenity of those residents of properties in the vicinity and I consider the overall housing scheme will provide a high level of residential amenity for future occupants of the apartments.

Part V

14.22. The applicant has submitted Part V proposals comprising the allocation of 66 no units which is 10% of the proposed units. The submitted documentation refers to a preliminary consultation with Dublin City Council Housing Department with a letter of confirmation submitted. The submitted plans showing proposed Part V units in Blocks 1, 3 & 5. No formal response was received from the Housing Department to the application although I note the allocation of units and the accompanying documentation which I consider reasonable to adequately address the requirement for Part V provision. I recommend that a condition is attached in the event of permission being granted that requires a Part V agreement to be entered into.

Built Heritage

14.23. Sybil Hill House, a Protected Structure, is located north of St Paul's School, to the west of the subject site and north of the proposed access into the site. St Anne's Park to the east of the site is designated as a conservation area in the development plan. Although the impact on Cultural, Archaeological and Architectural Heritage has been addressed in detail in my assessment of the EIAR above, I have assessed the impact on the built heritage relative to the design.

14.24. Block 1, the closest to Sybil Hill House, is set back from the protected structure by c. 78m (c. 43m from the boundary and c. 35m to Sybil Hill House). The height of Block 1 is staggered so as the set sown, 5 storeys, is closest to Sybil Hill House. The height of Blocks 6, adjacent to St Anne's Park are staggered to 7 storeys (c. 22m). The public and communal open space has been arranged in a manner to provide additional buffer areas between the site and St Anne's Park and the higher buildings located centre to the site, which I consider appropriate.

14.25. The surviving red bricked wall associated with Maryville House is located to the north of the site, just outside the site boundary. As stated in the EIAR assessment above, no change to the wall is proposed. I note the boundary treatment plan indicates the construction of a 2m high block wall in front of the red bricked wall and attached to the existing paladin fencing. I do not consider paladin fencing is appropriate for a

residential scheme and alternative boundary treatment should be proposed which replicates the proposed boundary treatment along the south of the site adjoining the public open space. The Inspector's report on a previous SHD application (ABP 300559-19) made reference to the possible retention of Maryville wall. I consider the integration of this feature into the scheme would have a positive impact on the character and setting of the proposed development and enhance the interface with St Anne's Park to the north. I consider it reasonable to require a redesign of the northern boundary as a condition on any grant of permission.

14.26. Having regard to the location of the site, the distance from Sybil Hill House, the design and setting of the proposed development, I do not consider the proposed development would have a significant negative impact on the built heritage on the site or the surrounding area.

Traffic and Parking

14.27. The proposed development includes 499 no spaces, 465 no basement parking spaces and 34 no surface level spaces (visitor and crèche drop off) and 1,646 cycle spaces (1,314 no at basement and 332 no. at surface level). Works proposed for the vehicular access include the widening and realignment of an existing vehicular access onto Sybil Hill Road. A new access road and pedestrian access between Sybil Hill House and St Paul's College includes footpaths, cycle lanes and boundary treatment. Additional pedestrian accesses from the site to the adjacent St Anne's Park are proposed in the north-west, north-east, east and south-east boundaries of the site.

14.28. Upgrades to the main Sybill Hill Road are included as part of the proposal and the Transport and Traffic Assessment (TTA) includes combined trip generation figures to conclude the network can accommodate the additional traffic generated from the proposed development. A Stage 1 Road Safety Audit recommends upgrades to pedestrian crossings, double yellow lines etc. The Transport Section of the council has no objection to the proposal and upgrade of the existing network subject to compliance with the requirements of the Road Safety Audit, which I consider reasonable.

14.29. The site is located in parking zone 2 on Map J of the development plan which allows a maximum of parking 1 space per unit. The (TTA) refers to the allocation of parking

spaces for the 2 and 3 bed units and none for the 1 bed unit. The report from the Transport Section of the council did not consider this allocation appropriate and require the submission of a car parking management strategy and a mobility management plan with any grant of permission. A number of observations submitted to the application consider the parking provision not sufficient to accommodate the units, whilst others request a reduction to prevent additional congestion on the surrounding traffic network.

14.30. Section 4.18 of the Apartment Guidelines includes guidance for the large scale higher density developments in central locations well served by public transport where the car parking provision should be minimised or substantially reduced. I note the location of the site close to a DART station and within Dublin City. Whilst I note 499 no car parking spaces (c.0.7space per unit) have been provided, this is below the maximum standards in the development plan and I note the majority of these are basement parking and therefore have no implications for efficient use of lands.

Drainage

14.31. The proposed development includes the laying of a foul sewer in Sybill Hill Road to connect to the existing public network and the routing of surface water discharge from the site, via St Anne's Park to the Naniken River.

14.32. Surface Water: Treatment of the surface water incorporated discharge to the Naniken River, attenuation tanks and the inclusion of SuDS measures. An attenuation area is included in communal open space within the site. The routing of the discharge to the Naniken River involves the demolition and reconstruction of an existing pedestrian stream crossing the Naniken River. The area for these works has been included in the red line for the purpose of the application. Discharge for the development will be restricted to a rate of 9.6/s to the Greenfield runoff at 2.0l/s/ha. I note the report from the Drainage Department in the council has no objection to the overall proposal on the site subject to written permission from the council for the outfall pipe and headwall into the Naniken River, which I consider reasonable.

14.33. Flooding: A number of submissions received raised concerns regarding flooding and additional flow/discharges into the Naniken Stream, as a result of the proposed development. A Site Specific Flood Risk Assessment (SSFRA) accompanied the application which indicates the site is located in Flood Zone C with a low probability

of flooding from fluvial or tidal sources. Table 5 of the national guidance on flooding, The Planning System and Flood Risk Management Guidelines for Planning Authorities, is referenced in the SSFRA, which permits residential development in Flood Zone C and having regard to the design of the drainage system in line with relevant standards the flood risk from the proposed development is not considered significant. A CEMP, which accompanied the application, includes control measures to prevent any deleterious materials into the river by way of surface run-off.

14.34. Having regard to the above, I consider the site can be serviced adequately and the proposed development will have no adverse effects on the surrounding area.

15.0 Recommendation and Conclusion

15.1. The proposed development forms part of a school site on lands which have been proven to be surplus to the current and future use of the site and therefore the principle of the proposal is acceptable at this location. Therefore, having regard site location within the metropolitan area of Dublin City, the Z15 zoning which includes residential as open for consideration and those policies and objectives in the Dublin City Development Plan 2016-2022, the nature, scale and design of the proposed development, the pattern of existing and proposed development in the area; it is considered that the proposed development subject to compliance with conditions below, would not seriously injure the residential or visual amenities of the area, cause any pedestrian and traffic hazard or have a negative impact on the character or setting of St Anne's Park, a conservation area, Sybil Hill House, a Protected Structure or the surrounding area.

15.2. I recommend that planning permission should be **granted**, subject to conditions, as set out below.

16.0 Recommended Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th of October 2019 by Crekav Trading GP Limited.

Proposed Development:

- a) Nine (9) no. residential apartment blocks, ranging in height from 5 storeys to 9 storeys, accommodating 657 no. apartments consisting of:
 - (i) 224 no. 1 bed units
 - (ii) 378 no. 2 bed units
 - (iii) 55 no. 3 bed units
- b) Tenant amenity spaces,
- c) A crèche,
- d) Public open space provided to the south of the residential development,
- e) 465 no. basement car parking spaces & 34 no. surface visitor car / crèche drop-off car parking spaces
- f) 1646 no. bicycle parking spaces
- g) All associated site development works necessary to facilitate the Proposed Development, which includes widening and realignment of the existing vehicular access onto Sybil Hill Road, to facilitate the construction of an access road with footpaths and on-road cycle tracks
- h) A proposed pedestrian crossing on Sybil Hill Road.

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.

16.1. Reasons and Considerations

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

- a) The Z15 zoning on the site and the policies and objectives in the Dublin City Development Plan 2016-2022,
- b) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- c) Design Manual for Urban Roads and Streets (DMURS);
- d) Guidelines for Planning Authorities on Urban Development and Building Heights;
- e) Design Standards for New Apartments- Guidelines for Planning Authorities;
- f) Guidelines for Planning Authorities on Appropriate Assessment of Plans and Projects in Ireland,
- g) Architectural Heritage Protection- Guidelines for Planning Authorities;
- h) the impact on any Protected Structure and conservation area in the vicinity;
- i) the nature, scale and design of the proposed development;
- j) the availability in the area of a wide range of social and transport infrastructure;
- k) the pattern of existing and permitted development in the area,
- l) the submissions and observations received,
- m) the report of the Inspector.

16.2. **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the;

- North Dublin Bay SAC (000206)
- South Dublin Bay SAC (000210)
- North Bull Island SPA (004006)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- Baldoyle Bay SPA (004016)
- Malahide Estuary SPA (004025)

- Rogerstown Estuary SPA (004015).

are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the above site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites conservation objectives using the best available scientific knowledge in the field.

In completing the assessment the Board considered, in particular, the following;

- Site Specific Conservation Objectives for these European Sites,
- Current conservation status, threats and pressures of the qualifying interest features and the potential displacement of Light Bellied Brent Geese, Oystercatcher, Black-headed Gull and Black tailed Godwit and Curlew,
- likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- view of the Department of Arts, Heritage and the Gaeltacht,
- mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites.

The Board identified that the main likely impact arising from the proposed development on the Special Protection Areas (SPA) would be on the displacement of Specific Species of Interest. It is a conservation objective of the, North Bull Island SPA (004006), South Dublin Bay and River Tolka Estuary SPA (004024), Baldoyle Bay SPA (004016), Malahide Estuary SPA (004025), Rogerstown Estuary SPA (004015) to maintain the favourable conservation condition of these species.

Foraging habitats are considered to be significant to this objective. Having regard to the scientific information set out in the NIS in respect of the number of Light Bellied

Brent Geese, Oystercatcher, Black-headed Gull and Black tailed Godwit and Curlew using the site and the network of other sites within an acceptable range the Board concluded that the proposed development would not adversely affect the Population or Distribution of the Light Bellied Brent Geese, Oystercatcher, Black-headed Gull and Black tailed Godwit and Curlew because of the species foraging habitats and the capacity of ex-situ sites to accommodate increasing numbers of these species.

The Board identified that the main likely impact arising from the proposed development on the Special Areas of Conservation (SAC) would be on the water quality and impact on coastal habitats. It is a conservation objective of the, North Dublin Bay SAC (000206) and South Dublin Bay SAC (000210) to maintain and/or restore the favourable conservation condition of the habitats. Having regard to the mitigation measures to prevent any impact on the Naniken River, c. 100m to the north of the site, the Board concluded that the proposed development would not adversely any of the habitats within either European site.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

16.3. **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 application.
- (c) The submissions from the planning authorities, the observers and prescribed bodies in the course of the application,
- (e) The Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the EIA, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the

application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan (CEMP) is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The main significant effects, both positive and negative are:

- A long term positive impact with regard to population and human health due to the increase in the housing stock and support for existing facilities in the area.
- Biodiversity impacts on the site will be short term negative and will be mitigated by construction management measures, measures for water protection, the significant provision of active and passive open space, protection of trees to be retained, landscaping, measures to avoid disturbance to bats, and provision of bat boxes.
- Land and soil impacts will be short term direct and indirect and any negative impacts will be mitigated by appropriate excavation on the site, measures to control sediment in surface runoff and use of construction management measures.
- Water Impact will be short term and neutral and the potential for impact on the water quality of Naniken River will be mitigated by the use of specialised

construction management measures during construction, servicing of the site to public system and mitigation measures to prevent and water pollution.

- Impacts on air quality and climate during construction will be short term and mitigated by a dust management plan and the provision of good quality design and highly efficient buildings.
- Noise and vibration impacts during construction will be short term and will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of typical noise levels.
- Landscape and visual impacts will be moderate and negative at certain locations and will be mitigated by the use of the location of the public and communal open space , landscape features and additional planting, the design height of the development in particular the apartments central to the site.
- Traffic and transportation impacts, which will be mitigated by the phasing of the development , the delivery of a access through an existing entrance and provision of enhanced connectivity and package of local road improvement measures,
- Culture Archaeological and Architectural Heritage impacts are short to long term and both positive, archaeological monitoring, and negative, which will be mitigated by design and landscaping, pre-construction surveys and site investigations, and monitoring of ground works.
- The main impact on material assets, transport, water and utilities will be negative and short term during construction phase and will be mitigated by a construction management plan.

16.4. **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would not detract from the character or setting of the adjacent Protected Structure or conservation area, and would not endanger public safety by

reason of traffic hazard. 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. 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

3. 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:

(a) Details regarding the opening hours of the access points between the development site and St. Anne's Park, which reflect the opening hours of St. Anne's Park.

(b) Details regarding availability/opening hours of the proposed community uses within Block 1 and Block 6 to the wider public.

(c) Details of protection and repair measures for the remaining section of the walled garden along the northern site boundary. This wall shall be retained and repaired, where possible and any demolition deemed

necessary shall not be undertaken without the prior agreement of the planning authority.

(d) Full details of the 2m high railing along the north of Blocks 1, 2, 4 & 6 adjoining the public open space and integrating the red bricked wall (see above c)

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

4. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 of the EIAR 'Mitigation and Monitoring Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

5. 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. In particular:

(a) The surface water outfall pipe and headwall details to the Naniken River shall be agreed in writing with the planning authority prior to any works commencing on site. Additional details in relation in relation to the scouring of the river channel or river banks shall be submitted for the written agreement of the planning authority

(b) Development shall not commence until the finalised alignment and details of surface water pipe are agreed in writing with the planning authority. The design and construction of the pipe will minimise impact on existing tree root zones and will include on-site supervision by a qualified Arboriculturist employed by the developer and reporting to the panning authority. Following construction the alignment will be

landscaped in accordance with the requirements of the planning authority

(c) Development shall not commence until requirements for demolition and reconstruction of the bridge with the proposed drainage outfall at the Naniken River are agreed with the Planning Authority

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

6. (a) The development shall be carried out on a phased basis detailed in the application, and shall include the inclusion of the crèche building in Phase 1 and those associated works which accompany same. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

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

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

Reason: In the interest of public health.

8. 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 amenities of property in the vicinity and the visual amenities of the area.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained.

Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such

complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety

10. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of sustainable transportation.

11. 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, and

(e) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

The plan shall include details of arrangements for routes for

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

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

12. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a properly constituted Owners' Management Company.

The Management Company shall relate only to the apartment blocks and/or duplex units and the associated residential amenity building and open space/amenity spaces.

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 proposed 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.

13. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]

(ii) Details of screen planting which shall not include cupressocyparis x leylandii

(iii) Details of roadside/street planting which shall not include prunus species

(iv) Hard landscaping works, specifying surfacing materials, furniture , play equipment, and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation, including details of phasing

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity

14. 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 –

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,

employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and

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.

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

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

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

Reason: To ensure the satisfactory completion of the development

18. 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.

Karen Hamilton
Planning Inspector

23rd of January 2020

Decision Quashed

18.0 List of Submissions

Sub - A R Barragry
Sub - Abina O'Connell
Sub - Adele Gannon
Sub - Adrienne Lonergan
Sub - Aidan & Brideen Hickey
Sub - Aidan Masterson
Sub - Aideen Leonard
Sub - Aideen McDonnell
Sub - Aideen Roche
Sub - Ailbhe Gaskin
Sub - Aine O'Keeffe
Sub - Alan Bothwell
Sub - Alan O'Dowd
Sub - Alicia Doyle
Sub - Allison O'Hara
Sub - Amanda Hanlon
Sub - Amy Savage
Sub - An Taisce
Sub - Andrew Croughan
Sub - Andrew Dunne
Sub - Andrew Wood
Sub - Andy & Catherine Day
Sub - Angela Leahy
Sub - Angela O'Doherty
Sub - Angela Ruttledge & Daragh O'Shea
Sub - Ann & David Charles
Sub - Ann & Liam Quigley
Sub - Ann Louise Mulhall
Sub - Anna Moore
Sub - Annalea O'Halloran
Sub - Anne & Brendan Ryan
Sub - Anne Coll
Sub - Anne Cronin
Sub - Anne Kelly
Sub - Anne Marie Dolan
Sub - Annette Morgan
Sub - Annette Murphy
Sub - Anthony & Brenda Cerasi
Sub - Anthony & Margaret Daly
Sub - Antoinette Kelly
Sub - Aodhan O'Riordain
Sub - Aoife Coffey & Ciaran Weafer
Sub - Aoife Collins
Sub - Aoife Herbert

Redacted

Sub - Aoife McDermott
Sub - Aoife Ni Dhuthaigh
Sub - Art McGann
Sub - Austin Peavoy
Sub - Bairbre Fennelly
Sub - Barbara & Denis Murphy
Sub - Barbara Buchanan
Sub - Barbara Cahill
Sub - Barbara Kelly
Sub - Barbara Monahan
Sub - Barbara Page
Sub - Barry Long
Sub - Belinda Griffin
Sub - Belmayne Educate Together NS
Sub - Bernadette Clarke
Sub - Bernie Fleming
Sub - Bill Kinlay
Sub - Birdwatch Ireland
Sub - Birgit Kretschmann
Sub - Brenda O'Brien
Sub - Brendan & Eileen Walsh
Sub - Brendan Fagan
Sub - Brendan Nelson
Sub - Brendan Rankin
Sub - Brendan Smyth
Sub - Brian & Carmel Beck
Sub - Brian & Vanda Cummins
Sub - Brian Cunningham
Sub - Brian Heapes
Sub - Brian Keane
Sub - Brian McGuinness
Sub - Bríd Ní Chonaill & Dave Kirwan
Sub - Bridget Ryan
Sub - Bridget Walsh
Sub - Brighid Smyth
Sub - Cainneach MacEoin
Sub - Caitlin & Michael Carr
Sub - Caoimhe Houlihan and Edwin Fusco
Sub - Caoimhe McDermott
Sub - Caoimhe Ní Nuallaín
Sub - Carmel Grehan
Sub - Carol Buchanan
Sub - Carol Leonard
Sub - Caroline & Derek O'Beirne
Sub - Cathal O'Sullivan
Sub - Catherine Bennett

Washed

Sub - Catherine Brodie
Sub - Catherine Lonergan
Sub - Catherine Moore
Sub - Cathy Maguire
Sub - Cathy Smith
Sub - Ceire Sadlier
Sub - Charles & Mary Lathrop
Sub - Charles Dolan
Sub - Charlie Fox
Sub - Charlotte Canavan
Sub - Chizuru Ryan
Sub - Christine & David Kenny
Sub - Christine Farrell
Sub - Cian Burgess
Sub - Cíara Lonergan
Sub - Ciara Mullarkey
Sub - Ciara Ryan
Sub - Ciaran Close
Sub - Ciaran Gannon
Sub - Ciaran Harris
Sub - Ciaran MacCearra
Sub - Claire & Mark Culleton
Sub - Claire Brady
Sub - Claire Davis
Sub - Claire Quinn
Sub - Clare Daly
Sub - Clare Kelly
Sub - Claudine Butler
Sub - Clíodhna Guinness
Sub - Clodagh Maguire
Sub - Clonres Limited
Sub - Clontarf FC
Sub - Clontarf Football Club
Sub - Clontarf GAA Club
Sub - Clontarf Residents' Association
Sub - Colette Moreau
Sub - Colette O'Reilly
Sub - Colin Day
Sub - Colm O'Grady
Sub - Colm O'Keeffe
Sub - Conor Murphy
Sub - Daithi Brugha
Sub - Damian Long
Sub - Danny Skehan
Sub - Dara MacDonaill
Sub - Daragh & Lisa Persse

Washed

Sub - Darragh Pelly
Sub - Dave Bruen & Jane O'Connor
Sub - David & Johanna Croughan
Sub - David & Orla Farrell
Sub - David Behan
Sub - David Branigan
Sub - David Clarke
Sub - David Moreau
Sub - David O'Neill
Sub - David Wall
Sub - David, Tara, Senna & Hugh Manigo
Sub - De O'Connor
Sub - Deborah Byrne
Sub - Deborah Maguire
Sub - Declan & Catherine Ward
Sub - Deirdre Costello
Sub - Deirdre Devine
Sub - Deirdre Dooley
Sub - Deirdre Heeney
Sub - Deirdre Nichol
Sub - Deirdre Nolan
Sub - Deirdre, Conor & Stephen O'Shea
Sub - Denis & Leny White
Sub - Denise Keville
Sub - Denise Mitchell
Sub - Department of Education
Sub - Derek & Anja Byrne
Sub - Derek Bauer
Sub - Derek Cunningham
Sub - Derick Mitchell
Sub - Dervil Jordan
Sub - Dervila McGuire
Sub - Development Applications Unit
Sub - Dominic White
Sub - Donal Hampson
Sub - Donna Cooney
Sub - Donna Street
Sub - Dunluce Road Residents Association
Sub - Eadaoin Geoghegan
Sub - Edel & James Foley
Sub - Edel Leahy
Sub - Edward Byrne
Sub - Eibhlinn Mangan McCabe
Sub - Eileen & Declan O'Grady
Sub - Eileen O'Connor
Sub - Eilish Gillen

Washed

Sub - Eimear Finnegan
Sub - Eimear Kenny
Sub - Eimer Harding
Sub - Eithne Cullinan
Sub - Elaine Egan
Sub - Elaine Fitzmaurice
Sub - Elaine Mahon
Sub - Elaine Minogue
Sub - Elaine Nixon
Sub - Elina Cipane
Sub - Elizabeth & Jim Giuney
Sub - Elizabeth Krzyzanowski
Sub - Elizabeth Maguire
Sub - Elizabeth Rogan
Sub - Elizabeth Sullivan
Sub - Ellen Dolan
Sub - Elva Stapleton
Sub - Eimer & Patrick Cooke
Sub - Emma & Colm McAtamney
Sub - Emma & Patrick Haslett
Sub - Emma & Paul Colgan
Sub - Emma Bruce
Sub - Emma Harrington
Sub - Enda Kelly
Sub - Eoghan Hannigan
Sub - Eoghan Smyth
Sub - Eoin Caulfield
Sub - Eoin Connolly & Laura Monks
Sub - Eoin Fallon
Sub - Eoin O'Leary
Sub - Esther McGuinness
Sub - Evans Dexter
Sub - Eve Horgan
Sub - Evelyn & Patricia Parr
Sub - F R Brennan
Sub - Faye McGillicuddy
Sub - Feargal O'Neill
Sub - Fergal Smyth
Sub - Finian McGrath & Damian O'Farrell
Sub - Fiona Cosgrave
Sub - Fiona Coyle
Sub - Fiona Dunne
Sub - Fiona Gilligan
Sub - Fiona Hayes
Sub - Fiona Kirwan
Sub - Fiona Riley & Mark Donnelly

Washed

Sub - Fiona Ring and Mark Donnelly
Sub - Fiona Sneyd
Sub - Fionnuala & Patrick Healy
Sub - Fionnuala Coffey
Sub - Fionnuala McDonnell
Sub - Foroige Raheny
Sub - Fran & Yvonne Cadogan
Sub - Frances Gorman
Sub - Frances Kinsella
Sub - Frances Nolan
Sub - Frances Taaffe
Sub - Frank Chambers
Sub - Frank Keane
Sub - Frank O'Regan
Sub - Garaldine Concagh
Sub - Garard O'Rourke
Sub - Garret Rossi
Sub - Garrett & Mary MacNamara
Sub - Gearoid & Roisin Murtagh
Sub - George Gaskin
Sub - Geraldine Clements
Sub - Geraldine Kenny
Sub - Gerard Egan
Sub - Gerry Barrett
Sub - Gil O'Sullivan
Sub - Gordan & Alison Mahon
Sub - Gordon Manning
Sub - Graham Fallon
Sub - H O'Daly
Sub - Hannah Buckley & Simon Murphy
Sub - Hans J & Mary P Romstedt
Sub - Hazel Weldon-Mack
Sub - Heather Connolly
Sub - Helen Codd
Sub - Helen Delaney
Sub - Helen Gormley
Sub - Helen Hannigan
Sub - Helen Regan
Sub - Helen Stanley
Sub - Helene Rice
Sub - Holly Brennan
Sub - I Love St.Anne's
Sub - Ian & Clodhna Guinness
Sub - Ian Flood
Sub - Ian Reid
Sub - Imelda Swords

Washed

Sub - Ingrid O'Dowd
Sub - Iris O'Donovan
Sub - Irish Water
Sub - Isobel Doherty & Karl Duffy
Sub - Ita O'Driscoll
Sub - Jacinta Heslin & Micheal O'Scanail
Sub - Jacinta Nixon
Sub - Jacqueline & Gerard Byrne
Sub - Jaime O'Doherty
Sub - James Lorigan
Sub - James O'Hara
Sub - Janice Leonard
Sub - Jane & Brendan Langley
Sub - Jane Charles
Sub - Jane Clarke & Dan Wallace
Sub - Janet Branigan
Sub - Janet Byrne
Sub - Janet Day
Sub - Janet O'Dowd
Sub - Janet Ryan
Sub - Jean & Conor McKeating
Sub - Jean Lawless
Sub - Jean Owens
Sub - Jennifer Byrne
Sub - Jennifer LeVert
Sub - Jennifer Roche
Sub - Jenny & Paul Colbert
Sub - Jenny & Paul Lanigan
Sub - Jessica Hopkins
Sub - Ji Hyun Kim
Sub - Jim McArdle
Sub - Jimmy Cahill
Sub - Joan & Larry Brayden
Sub - Joan Doyle & Family
Sub - Joan Sayers
Sub - Joanna Caffrey
Sub - Joanne Clancy
Sub - Joanne Kenny
Sub - Joe & Liz Nolan
Sub - Joe Brennan
Sub - John Logan
Sub - John & Carmel Mulcahy
Sub - John & Marie O'Moore
Sub - John & Mary Tynan
Sub - John & Maureen Lambe
Sub - John & Olive Caulfield

Washed

Sub - John Brady
Sub - John Byrne
Sub - John Conway
Sub - John Cronin
Sub - John Dunleavy
Sub - John Hamill & Grainne Ni Ghuidhir
Sub - John Leonard
Sub - John Leslie
Sub - John Lyons
Sub - John McNamara
Sub - John Murphy
Sub - John O'Connell
Sub - John O'Sullivan
Sub - John Ryan
Sub - John Wallace
Sub - Joseph & Noreen Kenny
Sub - Joseph Galvin
Sub - Joseph Hoey
Sub - Joseph Nolan
Sub - Joyce O'Neill
Sub - JP Greene
Sub - Judith McMahon
Sub - Judy Evans
Sub - Junius Horne & Sally Ann Lynch
Sub - Karen Mulvaney
Sub - Kate Bielinski
Sub - Kate Lorigan
Sub - Katherine Morgan & Stephen Sommerville
Sub - Kathleen Cussen
Sub - Katie Timmins & Michael Lee
Sub - Kay & Joseph Lonergan
Sub - Keith Comiskey
Sub - Keith Fleming
Sub - Kellie O'Rourke
Sub - Ken Darcy
Sub - Kenneth Johnson
Sub - Kevin Devine
Sub - Kieran Carroll
Sub - Kieran Kenny
Sub - Kieran McDonald
Sub - Kieran McNally
Sub - Kristen Herbert
Sub - Larry & Celia Stanley
Sub - Laura & Conor Ferguson
Sub - Laura Brayden
Sub - Laura Clarke

Washed

Sub - Laura Dowdall
Sub - Laura Kavanagh
Sub - Laura McNally
Sub - Laura Thornton
Sub - Laurence Dunne
Sub - Leonard Dexter
Sub - Leontia Quigley
Sub - Li Huss & Ruairi Galavan
Sub - Liam Regan
Sub - Liam Whelan & Mary Haughey
Sub - Linda Kingston
Sub - Lisa Kenny (26 Carndonagh Park)
Sub - Lisa Kenny (8 Brookwood Glen)
Sub - Lorraine Curran
Sub - Louise Coulter & Fintan Fitzsimons
Sub - Louise Hogan
Sub - Louise Morgan on behalf of Annette Morgan
Sub - Louise Nic an tSionnaigh
Sub - Louth Environmental Group
Sub - Lucy O'Dea
Sub - Luke Stein
Sub - Luke Smyth & Ella Wilcox
Sub - Lynn Hunter
Sub - Madeline Coffey
Sub - Maeve Lyons
Sub - Maire Ni Uaiteir
Sub - Mairead Doyle
Sub - Mairead Garry
Sub - Maressa O'Brien-Raleigh
Sub - Margaret Byrne
Sub - Margaret Forde
Sub - Margaret Kemmis
Sub - Margaret Maxwell
Sub - Margaret McLoughlin
Sub - Margaret Mohan
Sub - Margot Gordon
Sub - Marguerite Kirwan
Sub - Marguerite O'Brien
Sub - Maria Brennan
Sub - Maria Cherry
Sub - Maria Curtis Ui Chinneide & Sean O'Kinneide
Sub - Maria Digan
Sub - Maria Moore
Sub - Maria Mullen
Sub - Maria Mulvany
Sub - Maria Murphy

Washed

Sub - Marie Clarke
Sub - Marie Cleary
Sub - Marie Herbert
Sub - Marie McLaughlin
Sub - Marion Doherty-Hayden
Sub - Marius Herbert
Sub - Mark Crossan
Sub - Mark Gannon
Sub - Mark Stringer
Sub - Martin Forde
Sub - Martin Stapleton
Sub - Martina Beck
Sub - Martina Bishop
Sub - Mary Alagna
Sub - Mary Bray
Sub - Mary Caprani
Sub - Mary Griffin
Sub - Mary Kenny
Sub - Mary Kinsella
Sub - Mary Manning
Sub - Mary McCarthy
Sub - Mary O'Connell
Sub - Matthew Jameson & Susan Collins
Sub - Maura Ryan
Sub - Maureen Bergin
Sub - Maurice & Maureen McGirr
Sub - Maurice Finey
Sub - Max Krzyzanowski
Sub - Melissa O'Callaghan
Sub - Michael & Eileen Ryan
Sub - Michael & Regina Harnett
Sub - Michael Balding
Sub - Michael Byrne
Sub - Michael Connolly & Lorraine Stevens
Sub - Michael Devine
Sub - Michael Dunne
Sub - Michael Kenny
Sub - Michael MacCearra
Sub - Michael McGlinchey & Grainne Ryan
Sub - Michael McNamara
Sub - Michael Mohan
Sub - Michael O'Brien
Sub - Michael Roche
Sub - Michael Synnott
Sub - Michael Walsh & Lisa McGirr
Sub - Michael Walsh

Washed

Sub - Michelle & Derek Skehan
Sub - Michelle King
Sub - Michelle Whittaker
Sub - Mike O'Brien
Sub - Miranda Coughlan
Sub - Mona Nolan
Sub - Mona O'Leary
Sub - Monica Dolan
Sub - Muireann Roche & John McLoughlin
Sub - Naoise O'Muirí
Sub - Naomi Keatley
Sub - Niall Geaney & Karen Holland
Sub - Niall Kenny & Annmarie Lynch
Sub - Niamh Caprani
Sub - Niamh Fitzpatrick
Sub - Niamh Hynes
Sub - Niamh Murphy
Sub - Nicholas Vajda
Sub - Nicola Delaney Foxe & Family
Sub - Noel & Gina Joy
Sub - Noel, Deirdre, Aoide, Conor and Orla Kelly
Sub - Nora Hamill
Sub - Norman Ludgate
Sub - Odran & Leona Dowdall
Sub - Oisín Brennan
Sub - Olive Fitzpatrick
Sub - Olive Fitzsimons
Sub - Olwyn Puirseil
Sub - Oonagh Plunkett
Sub - Orla Clarke & Eoghan Manscier
Sub - Orla Fleming
Sub - Orla Gilhooley & Family
Sub - Orla Kenny
Sub - Orlaith O'Daly & Cian O'Conghaile
Sub - Owen O'Mahony
Sub - Paddy McCarney
Sub - Paddy Monahan
Sub - Pádraig & Jutta Breatnach
Sub - Pamela O'Mahony
Sub - Pat & Maure Devine
Sub - Pat Farnan
Sub - Patrice Clancy
Sub - Patricia Bruce
Sub - Patricia Hamill
Sub - Patricia Lorigan
Sub - Patricia Muldoon

Washed

Sub - Patricia Wiggins
Sub - Patrick & Anne Synnott
Sub - Patrick & Fiona Walsh
Sub - Patrick Costello
Sub - Patrick Delaney
Sub - Patrick Gilmour
Sub - Patrick Hamill
Sub - Patrick Kenny
Sub - Patrick Larragy & Sheila Fleming
Sub - Patrick O'Hara
Sub - Patrick Robinson
Sub - Patrick Whyte
Sub - Paul & Niamh Coffey
Sub - Paul & Rosaru Moran
Sub - Paul Bernard
Sub - Paul Farrelly
Sub - Paul Kenny
Sub - Paul Leonard
Sub - Paul Nolan
Sub - Paul O'Kane
Sub - Paul Thornton (2)
Sub - Paul Thornton
Sub - Paula Colavita
Sub - Pauline Burke
Sub - Pauline O'Connor
Sub - Peter & Laura Cummins
Sub - Peter Brazel
Sub - Peter Byrne
Sub - Peter Fennelly
Sub - Peter Maxwell (18 Vernon Gardens)
Sub - Peter Maxwell (8 Binn Eadair View)
Sub - Peter O'Daly
Sub - Peter O'Toole
Sub - Peter Smyth
Sub - Philip Brennan
Sub - Philip Green
Sub - Philip, Nessa, Conor & Cean Wilson
Sub - Rachel & Pat Caulfield
Sub - Rachel Dalton
Sub - Rachel McGaughey
Sub - Rachel O'Toole
Sub - Raheny Heritage Society
Sub - Raheny United Football Club
Sub - Ralph Kemmis
Sub - Ralph Lonergan
Sub - Ray Byrne

Washed

Sub - Rebecca Brickley
Sub - Rebecca Kelly
Sub - Rebecca Owens
Sub - Regina Hughes
Sub - Richard & Kathleen Brady
Sub - Richard O'Connor
Sub - Richard Watson & Maria O'Brien
Sub - Richelle Manning
Sub - Rita Harris
Sub - Robert Walsh
Sub - Roderick & Betty Maguire
Sub - Roderick Maguire
Sub - Rodney Birch
Sub - Roisin Timmins
Sub - Roisin Treanor
Sub - Ronan McDonnell
Sub - Ronnie & Brid Persse
Sub - Rosaleen Cahill
Sub - Rosaleen Lundy
Sub - Rosemary Ryan
Sub - Ross Bolger
Sub - Ruth Kirwan
Sub - Ruth Walsh
Sub - Sabrina Joyce-Kemper
Sub - Sam Manning
Sub - Sandra Hughes
Sub - Sarah Burke
Sub - Sarah Costello
Sub - Sarah Delaney
Sub - Sarah Doyle
Sub - Sarah Lowry
Sub - Sarah Rawe & Mike Southern
Sub - Sarah Smith
Sub - Sarnat Bennett
Sub - Scoil Ui Chonaili GAA Club
Sub - Seafield Strollers
Sub - Seamus Horan
Sub - Sean Collins
Sub - Sean D'Art
Sub - Sean Dunne
Sub - Sean Haughey
Sub - Sean Kelly
Sub - Sean Tynan
Sub - Shane Brodie
Sub - Shane O'Donoghue
Sub - Sharon & Damian O'Hara

Washed

Sub - Sharon Carrabin
Sub - Shaun Moran & Antoinette Keaveney
Sub - Sheelagh Fowler
Sub - Sile Doran
Sub - Sine Vasquez
Sub - Sinead & Bernard Mullen
Sub - Sinead & Declan O'Boyle
Sub - Sinead & Gareth Clancy
Sub - Sinead Caprani
Sub - Sinéad Carty
Sub - Sinead Dillon
Sub - Sinead Sullivan
Sub - Siobhan Coffey
Sub - Siobhan Smyth
Sub - Siobhan Walsh
Sub - Siobhán Weldon
Sub - Sonja Krzyzanowski
Sub - Sonya Henaghan
Sub - Sophie Spalding
Sub - Stella McConnan
Sub - Stephanie Geoghegan
Sub - Stephen & Geraldine Moreau
Sub - Stephen Burrows
Sub - Stephen Byrne
Sub - Stephen Collins
Sub - Stephen Devine
Sub - Stephen O'Brien
Sub - Suzanne & Ross Young
Sub - Svetlana Gatova & Vladimiro Gkatidis
Sub - Tara Clements
Sub - Tara Dempsey
Sub - Tara Kelly
Sub - Terence Magee
Sub - Terese, Adrienne & Paula McGrane
Sub - The Meadows Residents Association
Sub - Theresa Burton
Sub - Thomas Cronin
Sub - Thomas Delaney
Sub - Thomas Fitzsimons
Sub - Thomas Foxe
Sub - Thomas P. Broughan
Sub - Thomas Vickers
Sub - Tim & Martha Holmes
Sub - Tony Mirolo
Sub - Tori & Ed Pearson
Sub - Tracey Byrne

Washed

Sub - Tracey O'Shea
Sub - Transport Infrastructure Ireland
Sub - Treise Fairman
Sub - Trevor Lonergan
Sub - Triona Kenna
Sub - Una Brennan
Sub - Ursula McMahon
Sub - Ursula Morrissey
Sub - Verona Hanlon & Richard Ryan
Sub - Veronica Callinan
Sub - Vincent McGowne
Sub - Vivienne Gaynor
Sub - Warren & Denise Bolger
Sub - Yvonne Dunne
Sub - Yvonne Scanlon
Sub - Zandra Ball
Sub - Zara Rogers & Paul Conroy

Decision Quashed