



An  
Bord  
Pleanála

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

## Inspector's Report ABP-305940-19

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### Strategic Housing Development

Demolition of existing structures on site and construction of 564 no. build to rent apartments, crèche and associated site works.

### Location

Former Aldi Site, Carmanhall Road, Sandyford Business District, Dublin 18.

### Planning Authority

Dun Laoghaire Rathdown County Council

### Applicant

Sandyford GP Limited (acting for the Sandyford Central Partnership)

### Prescribed Bodies

TII  
Irish Water

**Observer(s)**

Stillorgan Woods Residents  
Association

Seamus MacGabhann

Sean Dineen

**Date of Site Inspection**

16th February 2020

**Inspector**

Erika Casey

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## 1.0 Introduction

- 1.1 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. The application was received by the Board on the 19<sup>th</sup> November 2019 from Sandyford GP Limited (acting for the Sandyford Central Partnership).

## 2.0 Site Location and Description

- 2.1. The subject site has stated area of 1.56 and is located in Sandyford, Dublin 18. It is at the northern end of the Sandyford Business Estate. The site is bound to the north by Blackthorn Drive (North) and to the south, by Carmanhall Road. The Stillorgan Luas stop and park and ride facility are directly to the north of the site. The Lakelands estate is located beyond the Luas line further to the north.
- 2.2 The site is a brownfield site with hardstanding and a derelict building on its southern end. Ground levels slope from south to north with a level difference of c. 5 metres between Carmanhall Road and Blackthorn Drive.
- 2.3 There is an unfinished mixed-use scheme to the immediate west of the site called the 'Rockbrook' development. Permission was granted on this site in 2005 for a mixed-use development comprising retail, commercial and residential uses in 6 no. 5-14 storey blocks. Two blocks (Blocks A and D) in the northern section of the site have been completed. These contain retail and commercial units at ground floor level and residential on the upper floors. Block C known as the 'Sentinel' building is a 6-14 storey office tower in the south west corner of the site. This building is completed to floor plate stage and permission was granted in 2017 to complete the building (PA Ref. D16A/0991). The south east section of the 'Rockbrook' site to the immediate west of the subject site is unfinished. The Board granted planning permission in August 2019 for 428 no. apartments, 4 no. retail units and a crèche on this part of the site (ABP-304405-19). The approved development includes a pedestrian connection into the subject site.
- 2.4 To the east of the site, there are office / commercial developments (1-4 storeys) with frontage onto the Ballymoss Road to the east. To the south, there are office / commercial developments of c. 1-2 storeys with frontage onto Corrig Road. The

'Beacon South Quarter', a mixed-use development of residential, commercial and retail land uses is located to the south east of the site on the opposite (southern) side of Carmanhall Road.

### 3.0 Proposed Strategic Housing Development

3.1 The proposed development provides for the construction of a housing development comprising:

- The demolition of existing structures on site and the provision of a Build to Rent residential development comprising 564 no. apartments in 6 blocks.
- The housing mix is as follows:

House type	No.	Percentage
Studio	45	8
1 bed	205	36.5
2 bed	295	52.3
3 bed	18	3.2
Total	564	100

3.2 The heights of the blocks are as follows:

Block	Height	
<b>Block A</b>	Part 10 part 11 storeys over basement	34.63 metres
<b>Block B</b>	8 storeys over basement	25.62 metres
<b>Block C</b>	5 storeys over lower ground	16.63 metres
<b>Block D</b>	Part 16 part 17 storeys over lower ground floor	52.38 metres
<b>Block E</b>	10 storeys over semi basement	31.63 metres
<b>Block F</b>	14 storeys	43.63 metres

- 3.3 The development also includes:
- Resident amenity space of 1,095 sq. metres in Blocks A, C and D including concierge, gym, lounges, games rooms and a panoramic function room at roof level of Block D.
  - A crèche of 354 sq. metres.
  - Café of 141 sq. metres.
- 3.4 The development provides for a pedestrian thoroughfare from Carmanhall Road to Blackthorn Drive also connecting into the boulevard at Rockbrook to the west.
- 3.5 The principal vehicular access is off Carmanhall Road with servicing and bicycle access also provide on Blackthorn Drive.
- 3.6 The development accommodates 285 car parking spaces of which 254 are provided at basement level and 31 at ground level. 1,178 bicycle spaces are proposed and 21 motorcycle spaces.
- 3.7 The development also provides for set down areas, bin storage, boundary treatments, hard and soft landscaping, lighting, plant, ESB substations and switchrooms, sedum roofs and all other associated site works above and below ground.

#### **Development Parameter Summary**

<b>Parameter</b>	<b>Site Proposal</b>
<b>Application Site</b>	1.54 ha
<b>No. of apartments</b>	564 units
<b>Other Uses</b>	Crèche: 354 sq. metres Café: 141 sq. metres Resident Amenity: 1,095 sq. metres
<b>Density</b>	365.6 units per ha
<b>Plot Ratio</b>	1:3.19
<b>Site Coverage</b>	31.6%
<b>Dual Aspect</b>	57%

<b>Car Parking</b>	285 spaces
<b>Bicycle parking</b>	1,178 spaces

3.8 In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:

- Cover Letter
- Application Form
- Site and Newspaper Notices
- Architectural Drawings
- 3D Model
- Housing Quality Assessment
- Legal Covenant
- Statement of Consistency
- Material Contravention Statement
- Statement of Response Opinion
- Planning Report
- Operational Management Plan
- Crèche and School Demand Assessment
- Architectural Design Statement
- HJL Response to An Bord Pleanála Inspector's Report
- Photomontage Report and CGI
- Daylight and Sunlight Report
- Lifecycle Report
- Arboricultural Report
- Landscape Presentation
- Outline Construction Management Plan

- Traffic Impact Assessment
- Stage 1 Quality Audit
- DMURS Statement of Consistency
- Mobility Management Plan
- Site Specific Flood Risk Assessment
- Energy and Sustainability Statement
- Site Lighting Report
- Engineering Services Report
- Storm Water Audit
- Screening for Appropriate Assessment
- Universal Access Statement
- EIAR

## 4.0 Planning History

### Subject site

4.1 **PA Ref. D07A/0619:** Permission granted in July 2007 for a mixed-use scheme in 6 no. blocks (6-14 storeys over 3 no. basement levels) comprising 471 apartments units and 15,704 sq. m. of commercial floorspace (6,020 sq. m. office, 9,015 sq. m. retail in 20 no. units and 669 sq. m. crèche). The development was served by 1,005 no. basement car parking spaces with vehicular access from Carmanhall Road. An extension of duration permission under D07A/0619/E was refused.

**PA Ref. D16A/0362:** Permission sought for retention of 5 no. advertising signs. Permission granted in July 2016.

**PA Ref. D13A/0015:** Permission sought for 5 no. advertising signs. Permission granted in March 2013.

**ABP-301428-18:** Permission granted in July 2018 for strategic housing development for demolition of existing buildings and construction of a residential development of 460 no. apartments in 6 no. blocks of 5-14 storeys and provision of ancillary on-site



facilities. Permission granted for 459 no. units. Condition no. 4 (a) requires 1 no. residential unit to be incorporated into crèche.

### **Rockbrook Site**

4.2 The following planning history pertains to the adjacent Rockbrook site:

**ABP-304405-19:** SHD application for 428 no. apartments, 4 no. retail units and a crèche in 2 no. blocks of 5-14 storeys on a site of 2.02 ha, with frontage onto Carmanhall Road. Permission granted in August 2019.

**D16A/0991 Sentinel Building:** Permission granted in October 2017 to complete the partially constructed 14-storey 'Sentinel Building' including 294 office suites and 28 meeting rooms; 2 additional floors (1,490 sq. m.) over existing 6 storey part of the building adjoining Block A; ground floor café / restaurant use; and new entrance to Blackthorn Drive.

**D16A/0697/PL06D.248397 Rockbrook Phase 2:** Permission refused by the Board in September 2017 for completion of the development permitted under D05A/1159 (Phase 2) on lands immediately to the west of the subject site. The proposed development included 3 no. 14 storey residential blocks with 492 no. apartments, 1 no. retail unit, café and crèche and modifications to and completion of basement. The Board refused permission for 3 no. reasons that related to the impact on a proposed urban plaza and boulevard that formed part of the original scheme and the associated impact on the legibility and permeability of the scheme; the monolithic design of the blocks and their massing, scale and bulk, in addition to the quality of the living environment for future residents due to a lack of supporting community facilities and limited range of apartment sizes and types; and an undue diminution in the availability of light to the existing apartments.

**D13A/0457:** Permission granted in July 2014 for modifications to the Sentinel building including revised internal configuration of permitted office floorspace to comprise 294 no. office suites and 28 no. meeting rooms; 2 additional floors (1,490 sq. m.) to the existing 6 storey part of the building adjoining Block A; ground floor café/restaurant use (198 sq. m.); new entrance to Blackthorn Drive; elevational amendments; ancillary areas and all site development works.

**D11A/0031/PL06D.238756:** Permission granted in November 2011 for retention and completion of the development originally permitted under D05A/1704 (Blocks A and D) including modifications to Block A and Block D.

**D10A/0469, D09A/0130, D08A/0256, D07A/0975, D07A/0069/PL06D.223245 and D06A/1704/PL06D.222779:** Permissions granted for modifications to Blocks A and D of the original scheme.

**D09A/0117:** Permission granted in April 2009 for retention and completion of modifications to the permitted Block C (Sentinel Building), including modifications to the layout and position of the permitted core and the provision of a new 13 storey high glazed corner atrium to accommodate a new entrance reception at upper ground floor levels and retention and modifications to increase floor to ceiling height.

**D05A/1159:** Parent permission relating to the overall Rockbrook Development site that is bound by Blackthorn Drive to the north and west and by Carmanhall Road to the south (3.117 ha). Permission granted in October 2005 for a mixed use development comprising 847 apartments; neighbourhood retail shops and services and café restaurants with a GFA of 11,794 sq. m. (including a convenience store with a GFA of 1,768 sq. m. and a retail showroom / warehouse with a GFA of 2,039 sq. m.); offices with a GFA of 10,761 sq. m.; a crèche with a GFA of 374 sq. m.; community building with a GFA of 185 sq. m. and 39 no. live work units; 1,716 car parking spaces and 1,140 cycle spaces at basement and lower ground floor level. The development comprised 6 no. blocks A, B, C, D, E and F ranging in height from 6 to 14 stories. Vehicular access from Blackthorn Drive and from Carmanhall Road. A third-party appeal against the PA's decision was withdrawn (PL06D.215205). An extension of duration was granted under D05A/1159W. This expired on the 20<sup>th</sup> of July 2016.

### **Other Relevant Permissions**

**ABP303467-19:** Strategic Housing Development granted by the Board in April 2019 for a site located at Avid Technology International, Carmanhall Road, Sandyford, Dublin 19. The development comprises the construction of a student accommodation development with an overall floor area of 25,459 sq. metres on a building ranging in height for 7 to 9 storeys. The development provides for 817 bedspaces with ancillary student support facilities. The development also provides

for 2 commercial units fronting Blackthorn Road, 57 no. car parking spaces and 586 no. bicycle parking spaces.

### **D18A/0785/PL06D.303738**

Permission granted by the Board in June 2019 for a development at Beacon South Quarter comprising a mixed use development ranging in height from 1 to 14 storeys to accommodate 3 no. neighbourhood retail units, crèche and 84 apartments including 12 no. 1 bed units and 59 no. 2 bed units served by 65 car parking spaces.

There have been a number of other residential developments permitted in the Sandyford area which are detailed in full in the Planning Report submitted with the application.

## **5.0 Section 5 Pre Application Consultation**

### **Notice of Pre-Application Consultation Opinion – Ref. ABP-302127**

- 5.1.1 A notice of pre-application consultation opinion was issued by the Board on 07.09.2018 under Section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 5.1.2 The notice of Pre-Application Consultation Opinion states that the Board has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the Planning Authority, is of the opinion that the documents submitted with the request to enter into consultations **require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.** The matters included are as follows:

#### **1. Building Height**

Further justification of the documents as they relate to building height. This justification should have regard to, inter alia, the building height parameters of the Dun Laoghaire Rathdown County Development Plan 2016-2022 (incl. Appendix 15 Sandyford Urban Framework Plan) and national guidance set out in the 'Urban Development and Building Height Guidelines for Planning Authorities' (December 2018), with particular regard to the development management and urban design criteria set in section 3.2 of the guidelines.

## **2. Quantum of Development**

Further justification of the documents as they relate to the quantum of development or number of units proposed. This justification should have regard to, inter alia, the cap on residential development in the 'mixed use inner core' set by objective MC4 of the Sandyford Urban Framework Plan and the Core Strategy of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

## **3. Development Strategy**

Further consideration / clarification of the documents as they relate to: housing mix and the proportion of 3-bed and larger units within the scheme; the quantum and quality of open space and amenities; the quantum and quality of communal facilities and residential support facilities and details in relation to the management of same; childcare provision in the context of the demands of the scheme and existing childcare capacity in the area; and the level of car parking provision having regard to the demands of the scheme and the management of car parking.

### **Specified Information**

5.1.3 The following specific information was also requested:

1. Details of the management provisions for the Build to Rent scheme to include details of a covenant or legal agreement as required under Section 5.10 Specific Planning Policy Requirement 7 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.
2. Details of Part V provision clearly indicating the proposals for compliance with Part V.
3. Detailed calculations for surface and foul water drainage.
4. Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls.
5. A site layout plan showing existing and permitted residential blocks and the proposed residential blocks that details the separation distances between the blocks and between opposing windows and balconies.
6. A plan and schedule of the proposed open spaces within the site clearly delineating public, semi-private and private spaces.

7. A detailed phasing plan for the proposed development.
8. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
9. Details of public lighting.
10. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

### **Applicant's Statement**

5.1.4 Article 298(3) of the Regulations provides:

*“Where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.”*

5.1.5 The applicant has submitted a Response to Opinion of An Bord Pleanála which can be summarised as follows:

#### **Building Height**

- Changes to height from the extant permission demonstrated in the application documentation. The part 16 storey structure at Block D is 2.9 metres higher than the 14 storey building permitted at Block D and the part 17 storey pop up element is 5.6 metres higher than the permitted structure. The reduction of floor to ceiling heights throughout the building has sought to reduce the impact of additional height now proposed.
- Block D is the sole element of the scheme that exceeds the heights prescribed

in the SUFP which provides for a maximum of 14 storeys. It is a key element of the urban design and wayfinding of the proposed scheme and provides a bookend to the monotonous 5 and 6 storey heights along Blackthorn Drive. The verticality proposed at this location is intended to be a physical marker of the location to the entrance to the boulevard. Block D will counterbalance the height of the Sentinel building and introduce architectural interest to the urban quarter. The site is best placed to provide a visual marker of the Luas infrastructural node and mark the entrance of the Sandyford Business District. A full justification and architectural rationale for the increased height of Block D is provided with the application. The heights are appropriate having regard to the express requirements in national level policy to achieve compact growth.

- The landscape and visual impact assessment, wind assessment and daylight/sunlight assessment have informed the design of the development and demonstrate that the height proposed at Block D will not result in any adverse impacts on the amenity of adjacent properties.

#### **Quantum of Development**

- It is an objective of the Council to limit the number of additional residential units within zone 1 and zone 2 to circa 1,300 units. The proposed scheme will result in a total of 1,356 no. residential units within Zone 1 and Zone 2 of the current SUFP. The guidance in the plan states 'circa' 1,300 residential units and, therefore, is non exact in its quantitative guidance. The 56 units above the threshold represent a negligible 4.3% increase and is considered marginal.
- The SUFP would have been drafted in 2015, significantly in advance of the publication of current national planning policy which seeks densification and increased height on appropriate sites.

#### **Development Strategy**

- Housing mix is amended and the scheme now includes 18 no. 3 bed units. When considered in conjunction with the adjacent permitted Rockbrook Phase 1 and Phase 2 developments, 3 bed units will represent 5.2% of the urban block.
- The provision of studio apartments will address the demand for suitable

accommodation that is not typically catered for in traditional Build to Sell models. The BTR model will meet the housing needs of a greater number of persons, in particular young workers in Sandyford.

- The proposed scheme provides for 4,761 sq. metres of communal amenity space at levels 1, 2 and 17. In addition, 4,117 sq. metres of public open space is provided at level 1. High quality landscaping will be provided. A variety of play equipment suitable to different ages and abilities has been introduced.
- Some 1,095 sq. metres of communal facilities are provided including concierge, gym, working from home areas, lounges, games room and a panoramic function room. Communal facilities are provided for within Blocks A, C and D ensuring that they are easily accessible to residents in all blocks. Residential support facilities including administration space, post room and maintenance space are provided at level 0. An Operational Management Plan sets out how these facilities will be managed.
- The scheme also provides for a crèche and associated external play area. A Crèche and School Demand Assessment is submitted with the application.
- The scheme provides 285 no. car parking spaces. The provision of 0.5 car parking spaces per BTR unit is considered acceptable having regard to the proximity of the site to the Luas and the guidance set out in the Sustainable Urban Housing: Design Standards for New Apartments 2018 with regard to central and accessible urban locations. The guidelines state that *“the default policy for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.”*
- Refer to the decision of the Board under application Reference ABP 303306-18 at Rockbrook where parking was provided at a rate of 0.24 spaces per unit as well as a number of other precedents. Note that 10 no. Go Car parking spaces are proposed.

### **Specified Information**

1. An Operational Management Plan has been prepared by Hooke and McDonald. In addition a Legal Covenant has been provided.
2. 56 social housing units are provided on site. Details submitted with application.

3. Detailed calculations for surface and foul water drainage are provided in the Infrastructure Engineering Report.
4. The Architects Design Statement and Landscape Report provide details of the proposed materials for buildings and landscaping.
5. Detailed site plan provided which illustrates the existing and permitted residential blocks on adjacent sites relative to the development now proposed. The separation distances between the blocks and between opposing windows and balconies are provided on each floor plan.
6. Plan provided which delineates the areas of public and communal open spaces.
7. Detailed phasing plan submitted which outlines 5 key stages to be completed in 2 phases over 36 months.
8. Taken in charge drawing submitted for the areas to be taken in charge on the Local Authority.
9. Site Lighting Report detailing the lighting proposed within the scheme including that of public and communal areas is provided.
10. A comprehensive Material Contravention Statement is submitted detailing why permission should be granted having regard to section 37 (2) b of the Planning and Development Act 2000.

## **6.0 Relevant Planning Policy**

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

- 6.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in



vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 6.2. **Section 28 Ministerial Guidelines**

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- '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' (updated 2018).
- 'Design Manual for Urban Roads and Streets'.
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 'Childcare Facilities Guidelines for Planning Authorities'.
- 'Urban Development and Building Heights – Guidelines for Planning Authorities', (2018).

## 6.3. **Local Planning Policy**

### **Dun Laoghaire Rathdown County Development Plan 2016-2022**

6.3.1 The Dún Laoghaire-Rathdown Development Plan 2016-2022 is the relevant statutory plan for the area. The following provisions of the Development Plan are considered relevant:

- Sandyford is identified as a 'Secondary Centre' in the Development Plan Core Strategy and sits at the second tier of the county settlement hierarchy below the 'Major Centre' settlements of Dun Laoghaire and Dundrum. The settlement strategy encourages the consolidation and densification of the existing built form. Sandyford Business District is identified as a 'primary growth node' from which a significant portion of the supply of residential units will derive up to 2022 and beyond.

- The site is zoned MIC with an objective “*to consolidate and complete the development of the mixed-use inner core to enhance and reinforce sustainable development*”. Residential uses are permissible, subject to according with the relevant policies of the Sandyford Urban Framework Plan for the MIC area (Table 8.3.16 refers).
- Chapter 2 Sustainable Communities Strategy, includes policies which seek to increase housing supply, ensure an appropriate mix, type and range of housing and promoting the development of balanced sustainable communities.
- Relevant policies include:
  - RES3:** promoting higher residential densities in line with national policy whilst ensuring a balance between density and the reasonable protection of residential amenities and established character. Section 2.1.3.3 states that densities of greater than 50 units per hectare will be encouraged within c. 1 km of public transport nodes.
  - RES7:** encourages the provision of a wide variety of housing and apartment types.
  - RES8:** seeks provision of social housing.
  - RES14:** seeks to ensure that community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential development.
  - RES15:** promotes an ‘urban village’ design approach in new development growth nodes.
- Section 2.2 sets out policies in relation to sustainable land use and travel. ST2 and ST11 relate to the integration of land use and transportation, ST19/20 relate to travel demand management and travel plans and ST27 relates to traffic and transport assessment and road safety audits.
- Chapter 4 ‘Green Infrastructure’ sets out policy in relation to open space and recreation including OSR5 in relation to public open space provision and OSR14 in relation to play facilities.

- Chapter 5 ‘Physical Infrastructure Strategy’ sets out policy in relation to water supply and wastewater, waste management, pollution, climate change, energy efficiency, renewable energy and flood risk.
- Chapter 7 ‘Community Strategy’ sets out policy for the delivery of community facilities in Section 7.1.3, including Policy SIC7: New Development Areas; and Policy SIC11: Childcare Facilities.
- Chapter 8 ‘Principles of Development’ contains the urban design policies and principles for development including public realm design, building heights strategy, car parking. Section 8.2 sets out Development Management Standards for Residential Development (8.2.3), Sustainable Travel and Transport (Section 8.2.4); Open Space and Recreation (Section 8.2.8), Environmental Management (8.2.9), Climate Change Adaption and Energy (8.2.10) and Community Support Facilities (Section 8.2.12).

6.3.2 There are no Specific Local Objectives (SLO’s) applying to the development site (Development Plan Map 6). The following SLOs apply to lands in the vicinity:

- **SLO 109** on lands to the east of the development site *‘To seek the provision of a use that animates the street corners e.g. Hotel / Apart Hotel at north western end of Ballymoss Road at the junction with Blackthorn Drive’*. A building of *‘Notable Design’* is sought on this site.
- **SLO 114** on lands to the north east of the development site *‘To provide a Public Transport Interchange adjacent to the Stillorgan Luas Stop’*.
- **SLO 119** on lands to the south *‘To develop a Sandyford Business District Civic Park at the corner of Corrig Road / Carmanhall Road’*.
- **SLO 121** on lands to the east of the site at Ballymoss Road and south east at the corner of Corrig Road / Carmanhall *‘To ensure the provision of pocket parks and civic spaces in accordance with locations specified on Map I and Drawing no. 10 of the Sandyford Urban Framework Plan’*.

6.3.3 Appendix 2: Interim Housing Strategy provides analysis of housing demand and supply including social housing. Section 7 of same deals with housing mix and housing type.

#### 6.3.4 Appendix 9: Building Height Strategy:

Development Plan Policy UD6 in Chapter 8 states that: *“It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the county.”*

Building Height Strategy Section 3.1 Sandyford Business District, building height limits are set by the SUFP:

*“The stated building height limits in the SUFP do not represent a ‘target’ height for each site – it is essential that any building makes a positive contribution to the built form of the area. It is intended that building height shall therefore be determined by how it responds to its surrounding environment and be informed by: location; the function of the building in informing the streetscape; impact on open space and public realm (in particular shadow impact), impact on adjoining properties; views into the area and long distance vistas.”*

#### **Sandyford Urban Framework Plan (SUFP) 2016-2022**

6.3.5 The Sandyford Urban Framework Plan (hereafter referred to as the SUFP) is incorporated as Appendix 15 of the County Development Plan and thus the objectives contained therein are objectives of the County Development Plan. It envisages the ongoing development of Sandyford primarily as an employment area but with complementary mixed uses including residential development. SUFP section 1.6 describes the Sandyford Business Estate, where the subject site is located, as follows:

*“Sandyford Business Estate is at a pivotal stage of development in terms of type of business. Parts of Sandyford Business Estate are in the process of transforming from an area of low-density freestanding buildings formed around a road network, to higher density development within a tighter urban grain. This transition in form and land use has been driven primarily by landownership rather than by a master plan for the overall area. Recent high density developments have little spatial relationship with their neighbours and as a consequence the area has become fragmented. The current mix of uses lack co-ordination and rationale.”*

6.3.6 Building heights within Sandyford Business Estate range between 1 and 2 storey developments in the established part of the estate to permitted development up to 14 storeys.

- 6.3.7 The application site, with 'Rockbrook' site to the immediate west and the Beacon South quarter to the south, is identified as 'Zone 1: Mixed Core Area Inner Core', with the following stated objective: *"It is an objective of the Council to consolidate and complete the development of the Mixed Use Inner Core to enhance and reinforce its sustainable development. (Map 1)"*
- 6.3.8 Residential use is permitted in principle under this zoning objective, subject to SUFP policy on residential development in core areas. SUFP maps identify the following specific standards / requirements for the development site:
- Map 2 Plot Ratios / Residential Densities. Plot ratio 1:4.
  - Map 3 Building Height. Permitted / developed height of 5-14 storeys.
  - Drawing No. 6 Walking & Cycling. Walking route between Carmanhall Road and Blackthorn Drive.
  - Drawing No. 10 Sandyford Urban Framework Plan. Civic Space and Green Routes Network.
- 6.3.9 The site is identified as a suitable location for retail development close to the Luas stop and the existing Beacon Shopping Centre. Section 2.3.2.1 states: *"Retail and retail services should be used to enliven street frontages, particularly on main pedestrian corridors leading to Luas stops, and in particular along Ballymoss Road."*
- 6.3.10 Section 2.3.2.2 states in relation to residential development in the Mixed Use Core Areas: *"It is considered that the number of apartments permitted to date in the Mixed Use Core Areas is sufficient to provide vitality to these areas. Future residential development should primarily be focused within the residential zoned land (Map 1, Zone 5). This will enable the creation of sustainable residential neighbourhoods with environments more conducive to protecting residential amenity and able to provide a mix of home types."*
- 6.3.11 **Objective MC4:** *"It is an objective of the Council to limit the number of additional residential units within Zone 1 (MIC) and Zone 2 (MOC) to circa 1,300 residential units. Of these 1,300 residential units, 835 have planning permission as of October 2014. This scale of residential development accords with the SUFP 2011."*
- 6.3.12 **Objective MC5:** *"It is an objective of the Council to require all residential development within the Plan boundary to benefit from the public open space*

*requirements set down in the Dún Laoghaire-Rathdown County Development Plan. The applicant shall set out clearly in any proposed development, how this requirement is being addressed. Where the Planning Authority agrees it is not possible to provide meaningful and useable public open space or where a specific local objective requires, the applicant shall provide indoor community facilities (e.g. community rooms, indoor active recreational uses for residents) or a financial contribution in lieu of open space, the nature of which should be agreed with the Planning Authority at pre planning stage.”*

6.3.13 **Objective MC6:** *“It is an objective of the Council to require all residential developments to provide private open space in accordance with the requirements set down in the Dún Laoghaire-Rathdown County Development Plan.”*

6.3.14 **Objective MC9:** *“It is an objective of the Council to locate uses that enliven, and attract customers fronting the routes leading to the Luas, particularly along Ballymoss Road.”*

6.3.15 Density and scale objective DS3 apply to the development site:

*“It is an objective of the Council to ensure where the plot ratio proposed is greater than 1:2, the layout should take the form of streets in order to contribute to the vibrancy of these core areas.”*

Objective BH2 requires applicants to submit an analysis of the impact of height and positioning of buildings on the surrounding environment, adjoining structures, open spaces, the public realm, views and vistas and micro climates.

6.3.16 SUFP objective TAM1 is to require all future development in the Sandyford Business District to achieve a peak hour transport mode split of 45% trips by car drivers (maximum) and 55% trips by walking, cycling and public transport and other sustainable modes (minimum targets) as per Government policy stated in the document published by the Department of Transport entitled, ‘Smarter Travel, A Sustainable Transport Future 2009-2020’.

6.3.17 SUFP objective TAM2 provides for the creation of a new Luas / Bus interchange at the Stillorgan Luas stop, located across from the junction of Blackthorn Drive and Ballymoss Road, to the east of the development site. Objective TAM3 is to implement complementary Bus Priority Schemes including a QBC along Blackthorn Drive at the northern end of the development site. SUFP objective PR8 is to provide

an urban plaza at the Ballymoss Road / Blackthorn Drive junction in front of the public transport interchange and objective PR7 is to create a pedestrian / cycle Green Route from the interchange, along Ballymoss Road, towards the centre of Sandyford Business Estate. There is also a Green Route along Carmanhall Road at the site's southern road frontage, towards the pedestrian access to the Beacon shopping centre. SUFP objective PR6 is to implement a programme for enhanced planting along Green Routes. In addition, Map no. 3 Building Height identifies the site to the immediate east at the northern end of Ballymoss Road to be developed as a 'Building of Notable Design', to serve as a visual reference marker, part of the overall aim to develop this location as a gateway to the Sandyford estate.

6.3.18 SUFP Section 3.5 Design Principles and Character Areas states in relation to Zones 1 and 2:

*“Zone 1 & 2, the L-shaped area between Blackthorn Drive and Blackthorn Avenue, contains developments including Beacon South Quarter and Rockbrook. These developments which provide high density and high quality architectural finishes, sit uncomfortably against neighbouring underdeveloped and underutilised sites which reinforces the transitional nature of the area. It is the intention of the Plan to promote development of these sites, to consolidate the area by repairing edges and promoting a coherent street pattern and skyline.”*

Section 3.5.1 refers to the subject site and states:

*“On the site adjacent to Rockbrook site – providing a building form, which would serve as a visual reference or orientation marker within the estate”*

This is to take place in the context of the development of the civic plaza at the Ballymoss Road junction to the immediate east.

6.3.19 The following objectives relating to community facilities are noted:

- Drawing no. 10 Amenity Open Space and SLO 119. Civic park at the corner of Corrig Road and Carmanhall Road to the immediate south of the development site.
- SLO113 on lands to the east of the site is to facilitate the provision of community infrastructure at ground floor level along the eastern outer edge of the Carmanhall residential neighbourhood along Blackthorn Road, to create

active street frontage and to ensure the appropriate provision of social and community infrastructure.

6.3.20 Objective E1 regarding the provision of childcare facilities. Objective E2 to retain 2 no. core sites for the provision of 2 no. primary schools and 1 no. post primary school on lands at Stillorgan Industrial Estate to the west of the proposed development, ref. SLO 112.

#### 6.4 **Applicant's Statement of Consistency**

6.4.1 The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines and the County Development Plan/LAP. The following points are noted:

- The development will support key elements of the NPF including compact urban development and the accommodation of 40% of urban growth within existing built up areas on brownfield lands; the provision of homes at locations accessible to a range of local services; and to encourage the use of public transport, walking and cycling.
- In terms of the Building Height Guidelines, it is considered that the scheme design strikes a balance between respecting the surrounding environment and ensuring the development potential of a significantly scaled, strategically positioned and underutilised plot is maximised. The development is considered in the context of the criteria set out in the guidance and is considered compliant with same. State that the height restriction set out in the SUFP is contrary to SPPR 1 of the guidelines which notes that blanket numerical limitations on building height shall not be provided for through statutory plans.
- The development has been designed with regard to the design principles provided in the Urban Design Manual including promotion of walking, cycling and public transport; responding to the site context; connections with the surrounding area, accessibility and wayfinding; efficient use of land and energy; mix of land uses and the creation of a place of high quality and distinct identity. The design, layout and landscaping of the scheme include different 'character areas' and the provision of a pedestrian route connecting Carmanhall Road and Blackthorn Drive providing a valuable north south connection improving



permeability for existing and future residents of the surrounding area.

- The proposed apartments meet or exceed the standards of the ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018) with regard to apartment mix, floor areas, dual aspect, floor to ceiling height, communal and private open space standards. It is a BTR scheme and complies with SPPR 7 and 8 in this regard. A high quality communal and recreational amenity area is provided with an area of 1.095 sq. metres. The reduced quantum of parking proposed is in line with the guidance set out for BTR developments.
- The development has been designed in compliance with DMURS.
- The ‘Childcare Facilities Guidelines for Planning Authorities’ include a standard provision of one childcare facility (equivalent to a minimum of 20 childcare places) per 75 dwellings. Refers to provisions of section 4.7 of the 2018 apartment guidelines in relation to same. The development provides a crèche facility.
- The development requires the flood risk justification test as per County Development Plan guidance. The site passed the test. A SSFRA is submitted. The proposed development will not be at risk of flooding and will not give rise to an increase in flood risk elsewhere. The development includes SUDS measures.
- The development facilitates key objectives of the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 including consolidation of urban centres, development of brownfield sites, delivery of well designed urban environments and greater use of sustainable transport modes.
- In accordance with the objectives of the Regional and Economic Strategy for the Eastern and Midlands Region, the development will result in the appropriate intensification of an underutilised site in an established residential area close to high quality public transport. In particular, the development complies with section 8.1 regarding integrating land use and transport planning and section 8.2 regarding response to urban sprawl and the move towards compact growth.
- The development is in keeping with the strategy for the Sandyford Business District outlined in the County Development Plan. It accords with residential policies and the development management criteria of the plan including RES 3 and RES 4 and land use zoning and urban design policies.

- The development complies with policies of the SUFP regarding the relevant zoning objective, public open space and amenity space requirements, public realm, surface water drainage, transport and phasing.
- The development if granted will result in a total of 1,356 no. residential units within zone 1 and 2 of the SUFP. Highlights that the policy objective states circa 1,300 residential units and, therefore, is non exact in its quantitative guidance. The excess of 56 units is marginal. The SUFP was drafted in 2015 well in advance of current national planning policy which seeks densification and increased height on appropriate sites.
- With regard to height, the development exceeds the height thresholds set out in the SUFP for Block D. A material contravention statement has been prepared.
- The site is adjacent to a public transport corridor and is, therefore, suitable for high density development > 50 units / ha as per the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'. The development provides a residential density of 365.6 units / ha, which is reflective of the policies and objectives of the County Development Plan and the SUFP and is commensurate with the density granted on the site previously.

## 7.0 Third Party Submissions

7.1 3 no. third party submissions were received with respect of the proposed development. Issues raised overlap and can be summarised as follows:

### Height and Scale

- Concern regarding the increase in height and scale, particularly Blocks D and F and the potential negative impacts that it will have on the surrounding established area of Kilmacud. Consider development may have adverse overshadowing impacts.
- The development is contrary to the provisions of the SUFP which provides for a maximum height of 14 storeys.
- Development will conflict with the proposal to have a landmark building of notable design on the adjoining site.
- Development will have an adverse impact on the identity and cohesion of

established communities.

### **Physical and Social Infrastructure**

- Concern that the proposed crèche facility is inadequate and that it is ambiguous as to the impact of the development on local schools and childcare facilities.
- The Luas is at capacity.

### **Housing Mix**

- Concern regarding the quantum of 1 bed units.
- Object to Build to Rent model.

## **8.0 Planning Authority Submission**

### **8.1 Overview**

8.1.1 The Planning Authority, Dun Laoghaire Rathdown County Council has made a submission in accordance with the requirements of Section 8(5)(a) of the Act of 2016 which was received by the Board on the 23<sup>rd</sup> January 2020. The planning and technical analysis in accordance with the requirements of Section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

### **8.2 Planning Opinion**

- Notes similarity between the proposal and the existing permission on the site in terms of layout, form of the buildings proposed, design and general permeability and links through the site that have been carried forward into the proposed Build to Rent development. The development has a very similar footprint and the buildings proposed are a similar design. The main differences between the two applications is that the development now proposed is a Build to Rent scheme; the maximum height of Block D is 17 storeys as opposed to 14 previously permitted, the number of apartments has increased from 459 to 564 units and car parking has decreased from 499 spaces to 285 spaces.
- Residential development is subject to Objective MC4 of the SUFP. It is an objective of the Council to limit the number of additional residential units within Zone 1 (MIC) and Zone 2 (MOC) to c. 1,300 units. The development, if permitted, would result in a total of 1,356 units within zone 1 and zone 2 resulting in an additional 56 units in excess of the 1300 units. The increase in

unit numbers is driven in part by the revised mix of units and the increase in height, above what is allowed for under the SUFP. This indicative of overdevelopment of this site.

- The site is considered to be one that can accommodate significantly high densities due to its location adjacent to the Luas and existing densities of the surrounding developments. The density is broadly in line with what is permissible under the SUFP.
- The heights do not comply with the heights set out in the SUFP. Block D exceeds the height limitation of between 5 and 14 storeys permitted on the site. The PA considers that the development by virtue of its excessive height would not provide a successful counterbalance to the Sentinel building and would have the potential to detract from the site of the building of 'notable design' provided for in the adjoining site. The SUFP sets out a comprehensive approach to urban design and building height and should be adhered to.
- The applicant states that of 1,413 rooms, only 62 fall below the BRE requirements and only slightly. However, the BRE guidelines do not require full compliance with standards in all instances. The development achieves a 95.6% compliance ratio which meets the BRE requirements at a scheme level. This is considered acceptable. The reconfiguration of Blocks E and F has resulted in a significant improvement to sunlight availability to parts of the development which is welcomed.
- The overall layout is considered to be appropriate and corresponds well with the existing layouts of the constructed Rockbrook development and the recently approved Rockbrook Phase 2 development. The layout provides variety in the public realm. The PA welcomes the extensive landscaping masterplan and notes improvements to the landscaping arrangements. Spacing between the buildings allows for residential amenities to be protected for existing residents and future occupiers, while creating breathing space between the buildings with opportunities for amenity space and play areas between the buildings. No issues of inadequate separation distances between the blocks have been identified. The PA raised no issues with the layout.

- The development focuses on delivering a high density, well designed residential development that provides a public realm that is car free and pedestrian friendly. The proposal provides a contemporary style development that is considered to be high quality and sites well within its receiving environment.
- There are concerns regarding way finding within the development. The pedestrian access off Blackthorn Drive leads to a lobby/concierge area with lifts to the podium level. A condition can be imposed to ensure that this universal access is open at all times and signage for wayfinding can be agreed by way of condition.
- The PA considers the proposed brick and render finishes are of high quality and are acceptable at this location.
- The separation distances are provided in accordance with the County Development Plan between the proposed blocks, there are no concerns in terms of overlooking from other properties within the development for future occupiers. There are no issues of overlooking to the adjoining Rockbrook development. Given the distances between the proposed development and Lakelands Close, Stillorgan Woods, Beacon South Quarter, overlooking is not considered an issue.
- The PA welcomes a Build to Rent development at this location. The development is compliant with the standards set out in the apartment guidelines. The Bord however, may wish to consider an increase in the area of resident support facilities available to the residents. The Bord may wish to increase the area of resident services and amenities/recreational facilities available to the residents given that the crèche provides another function for the development.
- The PA is not on favour of the low parking ratio and there is still a requirement for car storage. The Board should consider a report commissioned by the Council and available to the Board under PL06D.305785, that the current parking ratio in Sandyford is 0.84 spaces per unit.
- Transportation Planning remain concerned with the use of on road parking bays for servicing and refuse collection. Recommend that designated visitor and

crèche parent and child parking spaces are provided within the site at the Carmanhall Road podium parking area. Not in favour of stacked car parking. The indicated ramp gradient exceeds the recommended standard.

- The Drainage Department are generally satisfied with the proposals. With regard to Flood Risk, the department are satisfied that the principles of the modelling approach and conclusion of the SFFRAS are acceptable.
- The size of the crèche is considered adequate for a development of this scale given the high level of studio and 1 bed units. The crèche is larger than that previously proposed. The Board may wish to consider increasing the size of the crèche based on the capacity issues highlighted in the Crèche and School Demands Assessment.
- The PA considered that an alternative Part V proposal is required.
- Whilst the current proposal complies with BTR standards, it must be acknowledged that the standard of accommodation, by virtue of the revised guidelines set down by government, represent a diminution in the standard of accommodation in real terms. The under provision of car parking, the proposed breach of building height and the excess in residential units represent an unwelcome divergence between what was permitted and what is currently proposed. The PA recommend a Refusal on 2 grounds namely that the height is in breach of the SUFP and that car parking is significantly deficient.

### 8.3 **Recommended Conditions**

8.3.1 The Planning Authority recommends the imposition of 26 conditions. The majority are standard in nature.

### 8.4 **Views of Elected Members**

- Consider that social housing should be spread across the development.
- Heights are contrary to the provisions of the SUFP. Concerns regarding density.
- Crèche is inadequate and does not provide for 7 to 8 year olds and pre teens.
- The development will impact upon residents in the Lakelands Estate and Stillorgan Wood area. Concern regarding potential visual impact.

- Concern regarding Build to Rent schemes as they do not address the housing crisis and there is uncertainty regarding such developments after the period of the covenant has elapsed.
- Communal facilities should be for the use of residents only.
- Concern regarding the housing mix and the high percentage of studio and 1 bed units. No. of 3 bed units is too low. Others were satisfied with the overall mix of units proposed having regard to the fact that the surrounding area is predominantly 3 and 4 bed units.
- Luas is already at capacity.
- Fire safety is a concern for such high rise development.
- Inadequate play facilities. Inadequate infrastructure in the area such as schools to serve the development.
- Trees and hedgerows should be retained. There is a lack of green space in the area.
- Concern regarding material contravention process.

## 9.0 **Prescribed Bodies**

9.1 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017 and in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the applicant was informed that the following authorities should be notified in the event of the making of an application:

1. Irish Water
2. Irish Aviation Authority
3. National Transport Authority
4. Transport Infrastructure Ireland
5. Coras Iompair Eireann
6. Commission for Railway Regulation
7. Health Service Executive

9.2 Submissions were received from the following prescribed bodies with a summary of the response outlined under each:

**Transport Infrastructure Ireland (10.12.1019)**

- The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Extension of Luas line B1. Suitable condition should apply.
- Deliveries during the construction phase shall be made to limit interference with Luas operations.
- The development shall comply with TII’s Code of engineering practice works, on, near, or adjacent the Luas light rail system.

**Irish Water (20.12.2019)**

- IW confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connection(s) to IW network(s) can be facilitated.

**10.0 Assessment**

10.1. The following are the principal issues to be considered in this case:

- Principle of Development
  - Introduction
  - Build to Rent Housing
  - Density
  - Housing Mix
  - Quantum of Development,
  - Height
- Material Contravention
- Development Strategy
  - Standard of Accommodation/Internal Standards
  - Design, Form and Layout



- Sunlight/Daylight
- Impact on Surrounding Residential Amenity
- Wind
- Site Services, Surface Water and Flooding
- Transport, Parking, Pedestrian/Cycle Facilities
- Other Issues
  - Social Infrastructure
  - Section 49 Contribution
  - Part V

## 10.2 Principle of Development

### Introduction

- 10.2.1 Having regard to the nature and scale of development proposed, namely a 564 unit build to rent apartment scheme with associated commercial uses (495 sq. metres), I am of the opinion, that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 10.2.2 Permission was previously granted on the subject site for a similar Strategic Housing Development under application reference 301428-19. The subject application bears many similarities to that previously approved in terms of the overall layout and form of development. The main difference between the two schemes is that what is now proposed comprises Built to Rent units. The overall number of units has also increased from that previously permitted primarily due to a change in the unit mix proposed with a greater percentage of studio and 1 bed units.
- 10.2.3 There are also amendments to the heights of the blocks, with an additional 3 floors proposed for Block D and an additional 2 floors to Block F. There is a minor reduction in height to the remainder of the blocks. It is detailed in the documentation that it is proposed to change the thickness of the floor slabs within the blocks with the substitution of a 1.1m deep transfer slab with a 250mm floor slab. This minimises the overall increase in height of blocks D and F which will be higher by 5682mm and 5425mm respectively than previously permitted. The plan configuration of Blocks E

and F has also been reconsidered, with the changing of the position of the gap between the blocks in order to allow for more sunlight penetration. Amendments have been made to the elevational treatment and design and a new landscape masterplan is proposed incorporating a water feature.

10.2.4 The key amendments between the two schemes can be summarised as follows:

	<b>Extant Build to Sell</b>	<b>Proposed Build to Rent</b>
<b>No. of units</b>	459	564
<b>No. of studios</b>	1 (<1%)	46 (8.2%)
<b>No. of 1 bed</b>	92 (20%)	205 (36.3%)
<b>No. of 2 bed</b>	303 (66%)	295 (52.3%)
<b>No. of 3 bed</b>	64 (14%)	18 (3.2%)
<b>No. of storeys</b>	5 to 14	5 to 17
<b>Car parking</b>	499 spaces	285 spaces
<b>Cycle parking</b>	662 spaces	1,178 spaces
<b>Crèche</b>	337 sq. metres	354 sq. metres
<b>Café</b>	153 sq. metres	141 sq. metres
<b>Plot ratio</b>	2.93	3.19
<b>Density</b>	298 units per ha	366 units per ha
<b>Dual aspect</b>	67%	57%

10.2.5 The proposed amendments in terms of additional height, density and housing mix are discussed further below. However, having regard to the planning history of the site, I am satisfied that the development is acceptable in principle. The development accords with the zoning objective for the site – Zone 1: Mixed Core Area Inner Core under the Sandyford Urban Framework Plan 2016-2022.

## **Built To Rent Housing**

- 10.2.6 Some concerns have been raised by third parties regarding the nature of the development which is proposed to operate as Build to Rent scheme. The applicant has set out a detailed rationale regarding the Build to Rent model and its appropriateness at this location. It is detailed that these developments typically consist of purpose built residential units which are managed and maintained to include communal space and which will contribute to the residential amenity and sustainable development of apartment stock. A key benefit of BTR schemes is the potential to accelerate the delivery of new housing at a significantly greater scale making a substantial contribution to the required increase in house supply nationally.
- 10.2.7 The subject site is strategically located in terms of proximity to public transport and there are a number of significant employment locations within easy walking and cycling distance of the site. Sandyford is well served in terms of existing facilities and amenities. It is outlined that there is an acute shortage of available rental accommodation in Sandyford area and in particular a lack of studio, 1 and 2 bed apartments. Rent levels are also high in the context of the Dublin market. It is considered that the BTR scheme will provide an accommodation typology for persons looking to rent in an area that is well served in terms of proximity to services, employment opportunities and excellent public transport. The development will provide a range of facilities and amenities and there will be active property management of the development with an on site management team and on site caretaker. An Operational Management Plan is submitted with the application.
- 10.2.8 I am satisfied that the proposal will contribute positively to addressing the acute shortage of apartment development in the Sandyford area and will provide much needed high quality apartments to cater for local demand. I also note from the planning history of the vicinity of the site that there have been no Build to Rent apartment schemes permitted in the Sandyford area. I consider, therefore, that the development will bring further choice and diversity to the housing market. The provision of additional rental accommodation is also welcomed by the Planning Authority.

## **Density**

10.2.9 The gross residential density of the scheme is 366 units per ha. The extant permission had a density of 298 units per ha. Having regard to the strategic location of the site, I consider it an appropriate location for increased density and in accordance with the 'Guidelines on Sustainable Residential Development in Urban Areas'. The design now submitted has a more compact form due to the change in housing mix proposed. The density is consistent with national policy which promotes the intensification of brownfield lands well served by public transport. The site is located immediately adjacent to the Luas as well as existing and planned public transport. I note no objection to the density proposed have been raised by the Planning Authority in their Opinion and it is stated that the site can accommodate significantly high densities because of its location directly adjacent to the Luas and the existing densities of the surrounding developments.

## **Housing Mix**

10.2.10 In terms of housing mix, the proposed development will accommodate 46 no. studio units, 205 no. 1 bed units, 295 no, 2 bed units and 18 no. 3 bed units. The need for a wider mix of housing and apartment types is recognised under the County Development Plan with Policy RES7 stating:

*“The provision of a range of housing types and sizes in the county will increase in importance as trends show a decline in family housing and an increase in elderly and single person households. Many of the new households that will form in the County during the period of this Development Plan will be below the current average size and will often consist of one or two persons.”*

10.2.11 Some concerns have been raised by the observers regarding the mix proposed. However, having regard to the location of the site in a suburban area characterised by large concentrations of low density suburban housing, I consider the housing mix appropriate. The housing mix is also in accordance with the guidance set out in the National Planning Framework which notes *“that apartments will need to become a more prevalent form of housing, particularly in Ireland’s cities. This is underpinned by on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, greater mobility in the labour market and a higher proportion of households in the rented sector.”*

10.2.12 It is further detailed “*in Dublin City, one, two and three person households comprise 80 percent of all households. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms.*”

10.2.13 In this context, I am satisfied that the proposed housing mix will provide for greater diversity and choice in the Sandyford area and reflects changing demographic requirements.

### **Quantum of Development**

10.2.14 Objective MC4 of the SUFP states:

*“It is an objective of the Council to limit the number of additional residential units within Zone 1 (MIC) and Zone 2 (MOC) to circa 1,300 residential units. Of these 1,300 residential units, 835 have planning permission as of October 2014. This scale of residential development accords with SUFP 2011.”*

10.2.15 The applicants have set out in the documentation a detailed assessment of the extent of residential development permitted in Zone 1 and Zone 2 of the current SUFP. I note that the Planning Opinion from Dun Laoghaire Rathdown County Council concurs with this assessment. It is detailed that if permitted, that the development will result in a total of 1,356 no. residential units within Zone 1 and 2, 56 in excess of the maximum threshold recommended in the SUFP.

10.2.16 It is set out by the applicant that the SUFP states ‘circa’ 1,300 units and is, therefore, not exact in its quantitative guidance and is not intended to be an exact limitation on the number of units. Furthermore, it is contended that 56 units represents a negligible increase over the quantum detailed in the SUFP. It is stated that the SUFP was drafted in 2015, which was well in advance of the publication of current national planning policy including the Building Height Guidelines which seek the densification and increase height on appropriate sites. Concern has been raised by the Council regarding the breach of the cap set out in the SUFP and it is stated that it is considered that the development represents overdevelopment of the site.

10.2.17 I have reviewed the data set out by the applicant of the extent of permitted residential development within Zone 1 and 2 and consider it to be robust and accurate. I would also concur that the SUFP is not exact or prescriptive in the quantum of development that should be accommodated in these zones. I do not consider an additional 56 units over that specified in the SUFP to be a material

increase. It represents a minor 4% increase over the 1,300 units detailed in the plan. Furthermore, I consider having regard to the overall quality of the development and the suitability of the site for a high density residential development, that such a minor increase in residential units is acceptable in this instance and would have no undesirable consequences in terms of the broader objectives of the SUFP to develop Sandyford primarily as an employment zone. It should also be noted that whilst the number of units within the proposed development has increased from that previously proposed, the number of bed spaces has decreased from 1,793 bed spaces to 1,726 no. bed spaces. The overall increase in the number of units must also be considered in this context.

## **Height**

10.2.18 SUFP Map 3 indicates that the development site is suitable for a height of 5 to 14 storeys. The proposed development now extends in part to 17 storeys. The Planning Authority have recommended that the development be refused on this basis, stating that the provisions of the SUFP should be adhered to. The matter of material contravention is considered further in section 10.3 below.

10.2.19 In considering the additional height proposed, it is noted that whilst the number of storeys in Block D and F has increased, the overall height increase from that previously permitted is 5682mm and 5425mm respectively for each block. This is due to a rationalisation of the internal floor slab in the blocks which has minimised the overall increase in height proposed.

10.2.20 In setting out the case for the increase in height, a detailed statement is submitted by the project architect who note the opportunities presented by the strategically located large underutilised plot. The highest element of the scheme – the 17 storey tower, is sited to front Blackthorn Drive and the Green Luas line and is intended to act as a physical marker of the entrance to the boulevard that connects the Luas via the subject lands to the Beacon South Quarter mixed use development.

10.2.21 The applicant notes that there are a number of key urban design principles underpinning the increase in height. These can be summarised as follows:

- The site is located opposite the Stillorgan green line Luas stop and Block D assists with a wayfinding strategy as a singular, memorable building of architectural interest.

- At the end of Raphael's Road, Block D marks the entrance to the Sandyford Business District on approach from Stillorgan.
- Block D provides a bookend to the monotonous 5 and 6 storey building height along Blackthorn Drive.
- Seen from Corrig Road, it provides a focal point at the axis of the pedestrian link, complementing the objective for a future park at the corner of Carmanhall Road and assisting with wayfinding towards the Luas.

10.2.22 To inform the redesign and increase in height, a number of massing studies were undertaken. These options which are presented in detail in the EIAR accompanying the application demonstrate that the height proposed is the optimal design response to the site. The revised configuration was also tested in terms of potential sunlight and daylight impacts and wind impacts. It was determined that the proposed increase in height does not result in adverse daylight or sunlight results compared to the extant scheme nor any adverse wind microclimatic effects. The increase in height to Block D improves the slenderness ratio of the tower. CGI's are submitted clearly showing the differences between the permitted and proposed scheme. I consider that the minor height increase proposed improves the overall architectural quality and composition of the Block D. The pop up element extending to the 17<sup>th</sup> floor provides visual interest and a lantern effect at the top of the building and this, coupled with amendments to the façade design and materials improves the overall verticality of the building. I also note that it is proposed to locate a tenant multi function space at this top floor. This will be a significant amenity to future occupants with panoramic views.

10.2.23 It is further detailed that the 17 storey tower is appropriate in order to match the height of the Sentinel building and create a twin structure at each end of the pedestrian thoroughfare. It is contended that this would assist with orientation and place making by marking major entry points and routes through the neighbourhood. The Opinion from the Planning Authority raises concerns that the development would compete with the Sentinel Building. I however, concur that there is merit in the approach proposed in terms of improving the overall legibility of the area and marking the transport node and key pedestrian thoroughfares through the site.

10.2.24 In planning policy terms it stated by the applicant that it is considered that the proposed development is fully compliant with the Urban Development and Building Height – Guidelines for Planning Authorities. It notes that in accordance with SPPR1 of the Guidelines, it is no longer appropriate that blanket numerical limitations on building height are provided in statutory plans. The appropriateness of the development in the context of the criteria set out in the guidelines is considered in detail including the development management criteria specified. In policy terms, I am satisfied that there is a robust case for increased height at this location.

10.2.25 In terms of visual impact, a detailed visual impact assessment is submitted with the application as part of the EIAR. This is considered further in section 11.14 below. Over 20 photomontage views are presented which clearly indicate the height of the scheme as permitted and that now proposed. It is evident in visual impact terms that the increase in height is de minimis. The photomontages clearly show that the development will be viewed as part of a composition of higher buildings and that the tower will complement the Sentinel building. Having inspected the site and considered the photomontages submitted, I am satisfied that the development will assimilate well with the on-going and evolving mixed character of Sandyford and no significant adverse visual impacts are anticipated as a result of the development.

10.2.26 I note that concerns have been raised by the PA that the proposal will potentially compete and detract from the proposal to develop a 'Building of Notable' design at the junction of Ballymoss Road and Blackthorn Drive as required under SLO 109 of the SUFP. It is however, acknowledged by the PA that given the spacing between the two buildings including the northern plaza area, the development will not restrict the development of a 'Building of Notable Design' at the corner of Blackthorn Drive and Ballymoss Road. I consider that each application must be considered on its own merit. The subject proposal, in my view is a marked improvement from that previously permitted and will enhance the overall architectural quality of the Block D. There is a strong case in planning and architectural terms to permit a high building at this location and for it to act as a key landmark improving legibility and wayfinding immediately adjacent to the Luas public transport interchange. I am satisfied that the height proposed is appropriate and in accordance with the proper planning and sustainable development of the area.



## **Conclusion**

10.2.27 In conclusion, the proposed development is in accordance with the zoning objective.

The density is considered appropriate having regard to the strategic location of the site in immediate proximity to existing and planned public transport infrastructure and its location within Sandyford which is well served by existing facilities and amenities. The apartment mix is considered appropriate and will cater to changing demographic requirements. The BTR nature of the scheme will provide greater choice and diversity in the housing market. The development of residential accommodation will also bring vitality to the area, enhance the land use mix and complement the extensive amount of commercial development in Sandyford. Whilst the quantum of residential units is slightly above the thresholds recommended in the SUFP for this zone, I do not consider the increase to be material. In terms of height, I note the minor increase to the overall height of two of the blocks. Overall, notwithstanding the objectives of the SUFP, I consider that in this instance, there is a clear and robust case for the additional height proposed in architectural and urban design terms, and having regard to the guidance set out in the Building Height Guidelines including the development management criteria set out under SPPR 3, is acceptable in this instance. The additional height will improve the overall architectural quality of the tower.

10.2.28 The development would in my view be entirely consistent with the overarching objectives of the National Planning Framework in promoting compact urban growth on a key strategic site. I conclude that the principle of development is acceptable, is in accordance with the zoning objective, policies and strategic goals of the Dun Laoghaire Rathdown County Plan and Sandyford Urban Framework Plan and in line with national policy ensuring the delivery of residential development on a prime, underutilised site in a highly accessible location, in a high quality, well designed scheme.

## **10.3 Material Contravention**

10.3.1 The applicant has set out that the proposed development contravenes the Sandyford Urban Framework Plan with regard to building height which specifies that the subject site is designated as having a permitted/developed height limit of 5 to 14 no. storeys. The applicants have submitted a statement of Material Contravention in accordance

with Section of 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.3.2 Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

*(i) the proposed development is of strategic or national importance,*

*(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,*

*or*

*(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*

*or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

10.3.3 The subject development proposes a building ranging from 5 to 17 storeys. The applicant sets out a detailed case as to why the proposed development is appropriate notwithstanding the policy set out in the SUFP. In particular, the applicant notes that the current SUFP is contrary to SPPR 1 of the guidelines which states that Planning Authorities in their statutory plans shall not provide for blanket numerical limitation on building height.

10.3.4 I note that the PA Opinion states that they do not agree with the applicant's interpretation of SPPR1 of the Height Guidelines and state that the Planning Authority consider that the SUFP is already in place and forms part of the current Development Plan 2016-2022. However, I would concur with the applicants view that the SUFP forms part of the statutory development plan and as the plan predates the publication of the building Height Guidelines, it is no longer appropriate to specify specific height limitations. In this regard, proposals for high buildings must be

considered in the context of the development management criteria set under SPPR 3 of the guidelines. SPPR 3 states that where an applicant for planning permission sets out how a development proposal complies with the criteria detailed and the Planning Authority concurs, taking account of the wider strategic and national policy parameters set out in the NPF, then the PA may approve such development even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

10.3.5 A detailed statement is set out by the applicant stating that the tall building can be justified in the context of prevailing national and regional planning policies which actively promote increased heights and densities on centrally located sites in urban areas. The applicant makes reference to the specific objectives of the NPF which encourages densification and compact growth. Compliance with the Urban Development and Building Height Guidelines and SPPR3A is set out and the applicants provide a detailed assessment of how the development complies with the criteria for assessing building height at the scale of the city/town; district/neighbourhood/street and scale of the site/building.

10.3.6 I note the Material Contravention statement and the arguments put forward by the applicant in favour of the development. The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites within existing urban areas. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal. I also note the extent of permission granted and the fact that the overall increase in height from that previously granted by the Board is less than 6 metres.

## **Conclusion**

10.3.7 I conclude that the Board can grant permission for the development having particular regard to the 2018 Urban Development and Building Heights Guidelines for Planning Authorities. I am satisfied that the Board is not precluded from granting permission in this instance with regard to the provisions of section 37(2)(b).

## **10.4 Development Strategy**

### **Standard of Accommodation/Internal Standards**

10.4.1 The application is accompanied by a detailed Housing Quality Assessment. A summary of the key points from this is set out below detailing how the scheme compiles with the Specific Planning Policy Requirements set out in the in Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities:

- SPPR 3 relates to minimum apartment floor area. All of the apartments within the development meet or exceed the minimum floor areas specified in the guidelines. Build to Rent developments are not required to exceed the 10% in accordance with the 'Safeguarding Higher Standards' section of the guidelines. However, it is noted that many units within the scheme are in excess of the minimum floor area required. All units meet the minimum space standards for bedroom, living, dining and kitchen accommodation.
- The development comprises a Built To Rent scheme and is, therefore, subject to SPPR 7 and 8 set out in the guidelines. In accordance with SPPR7, the applicant has described the development as a Build to Rent scheme on the public notices. A draft legal covenant has been submitted with the application.
- SPPR 7(b) sets out that BTR development must be accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities are categorised as Resident Support Facilities and Residents Services and Amenities. In terms of support facilities the development provides a concierge. Laundry facilities are provided in each apartment. I note that the PA state that the Board may wish to increase the area of resident support services available to the residents. I consider them however, to be sufficient.

- The proposed development will provide high quality communal and recreational amenity areas including concierge, gym, study area, lounge area, games rooms and multi function room at the top floor of Block D. A total of 1,095 sq. metres of such space is provided. In addition, the development provides extensive outdoor recreational amenity spaces including public open space with an area of 4,117 sq. metres and communal open spaces with an area of 4,761 sq. metres. Open space represents 58% of the total site area. A crèche and café are also provided as part of the development.
- In terms of communal open space the development proposes 4,761 sq. metres of outdoor communal amenity space. Having regard to the proposed housing mix, the total requirement for communal amenity space would be 3,482 sq. metres. The development exceeds the recommended provision by 1,279 sq. metres.
- SPPR8 sets out further guidance noting that no restriction will apply on dwellings mix in such schemes. Notwithstanding this, the scheme provides a range of studio, 1, 2 and 3 bed units. SPPR 8 also states that there shall be flexibility in relation to the provision of a proportion of the storage and private amenity space associated within individual units. All units meet the standards set out in relation to apartment sizes, storage and private amenity space.
- SPPR 8 notes that a default of minimal or significantly reduced car parking provision is applicable to BTR development. Car parking is assessed further in section 10.6. However, the development provides c. 0.5 spaces per unit, a significantly reduced quantum.
- The scheme provides for 57% dual aspect units which is significantly higher than the minimum 33% required for developments located in central and more accessible locations.
- The development provides adequate waste management facilities. A Building Life Cycle Report is submitted in accordance with section 6.11-6.13 of the guidelines. The circulation spaces within the blocks are accessible and have satisfactory layouts.
- SPPR6 which requires a maximum of 12 apartments per floor does not apply to BTR developments. The scheme however, provides 12 apartments per core.

10.4.2 I consider the development is entirely consistent with the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities and will provide an appropriate standard of amenity for future residents.

### **Design, Form and Layout**

10.4.3 As noted above, with the exception of the increase in height and amendments to the configuration of Blocks E and F to improve sunlight penetration to the open spaces and thus enhance amenity, the form and layout of the development is largely similar to that previously approved. The Inspector in that instance noted that the development layout improved pedestrian permeability and connections to the Luas stop in the wider area and generally provided a satisfactory tie in with the completed elements of the Rockbrook scheme.

10.4.4 As per the previous scheme, the development comprises 6 blocks located above a ground podium level with car parking provided at basement level. The development has been designed to respond to the topography of the site and is consistent with the layout of the adjoining scheme at Rockbrook. The development provides for the completion of the existing Rockbrook Block D gables with Blocks B and C designed as a continuation of the existing Rockbrook buildings. The development has been designed so as not to prejudice the development of adjoining sites including that to the east known as the Siemens site which is designated for a building of 'Notable Design' under the SUFP.

10.4.5 The development will provide for a pedestrian link between Carmanhall Road and Blackthorn Road. Due to the site levels, ramps and steps are proposed between the street and podium levels. Universal access has been provided for with a lift. The boulevard that runs from east to west through the neighbouring development will be continued through the site at podium level and a new north south link is also created. Adequate spacing is retained between the blocks to afford future residents sufficient amenity and prevent excessive overlooking. Good quality connections and permeability are provided for in the development. Active street frontages are provided for within the development. Communal facilities are located at the entry levels of Blocks A, C and D marking focal points of the scheme. The entrances to the gym and crèche are located at street level along Blackthorn Drive providing vitality and vibrancy.

- 10.4.6 High quality landscaping will be provided at podium level in accordance with a detailed landscape masterplan. As this area will be car free, it will be an attractive and safe place for pedestrians. It is noted that the overall landscape plan approach and detail has improved from that previously proposed. A new water feature has been introduced to aid wayfinding through the site. A series of public and semi private communal spaces will be provided at the podium level, each with a different character. 6 different areas of open space are proposed. The area of public open space is 4,117 sq. metres and communal open space is 4,761 sq. metres. This is generous and well in excess of the Development Plan standards. A pocket park is provided at the southern entry point to the site and will incorporate planting, recreational equipment and seating areas. I note that the PA welcome the landscape masterplan and in particular the considerable tree planting proposed along the perimeter of the development.
- 10.4.7 A high standard of finishes and materials will be utilised throughout. The primary material will be brick and a sense of individual building identity will be created through subtle changes in brick colour from block to block. A detailed elevational strategy is set out in the Architectural Design Statement. The public realm will also be enhanced at the perimeter of the development. The southern edge along Carmanhall Road is set back from the road edge providing a wide footpath.
- 10.4.8 Overall I consider the development to be of a high standard. Pedestrian friendly links and connections are provided for through the site and a high quality public realm will be provided for the benefit of future residents. The scheme corresponds well with the adjacent permitted and constructed Rockbrook development.

### **Sunlight/Daylight**

- 10.4.9 A Daylight and Sunlight Report is submitted with the application. The scheme is designed to maximise sunlight and daylight penetration. Façade treatments have been selected to promote a sense of brightness and light with large amounts of glazing. Floor to ceiling heights are a minimum of 2.6 metres in living rooms, enhancing the opportunity for improved daylight levels.
- 10.4.10 The report notes that the principle changes to the massing of the scheme from that previously permitted on the site relate to the addition of 3 floors to Block D and 2 floors to Block F. The massing of Blocks E and F have also been reconsidered, with

the changing of the position of the gap between the buildings in order to allow for more sunlight penetration.

10.4.11 The proposed apartments in the development were assessed for internal daylight levels. It was determined from the detailed modelling undertaken that the majority of the units not only meet the Average Daylight Factor criteria set out in the BRE Guidelines, but in many instances exceed it. A 95.6% compliance ratio is achieved across the development. This is slightly higher than the ratio achieved in the extant permission for the site. Whilst I note that some of the units tested are below the ADF standard, these are in the minority, and having regard to the previous decision pertaining to the site where a 95% compliance rate was accepted, coupled with the fact that it is a build to rent development, I am satisfied that overall a sufficient level of amenity will be provided in terms of sunlight and daylight. I note no objections have been raised by the Planning Authority who state they consider the development is acceptable in terms of compliance with the BRE guidelines.

10.4.12 In terms of amenity spaces, an assessment undertaken of the open spaces within the development indicates that at least 50% of the overall communal amenity spaces receive 2 hours or more of sunlight on the 21<sup>st</sup> of March and, therefore, compliance with the BRE Guidelines is achieved. Compared to the previous scheme permitted on the site, the subject development will result in an improvement of sunlight access to the amenity spaces due to the reconfiguration of Blocks E and F.

#### **Impact on Surrounding Residential Amenity**

10.4.13 I note concerns have been raised by some of the observers regarding potential overshadowing impacts of the development on surrounding residential properties. An assessment has been undertaken of the potential impact of the development on daylight to nearby properties including the future development of the Rockbrook site and residential houses in the Lakelands estate. The assessment indicates that properties at Lakelands Close will still achieve excellent levels of daylight with the development in place. All will achieve a VSC greater than 27%.

10.4.14 In terms of the Rockbrook site, it is detailed that when comparing the currently permitted development to the proposed development, all selected windows at Rockbrook show compliance with the VSC method by achieving greater than 80% of



its former value. Therefore, no further impact will be perceived over the permitted development.

10.4.15 The overshadowing impact of the development on surrounding buildings is also analysed and confirms that no further overshadowing to any of the surrounding properties is perceived when compared to the previously permitted scheme.

### **Wind**

10.4.16 A detailed wind assessment has been undertaken and is discussed further in section 11.15 below. The modelling carried out generally shows that the proposed development will provide a quality environment that is attractive and comfortable for pedestrians. The pedestrian comfort assessment shows that the entire development is suitable for any activities. Balconies and terraces are suitable for their intended use.

### **Conclusion**

10.4.17 In conclusion, I am satisfied that the development will provide a high level of amenity for future occupants. The layout of the development is of a high standard with high quality landscaping, materials and finishes throughout. Appropriate connections and permeability will be provided for through the development and the scheme has been designed to be consistent and assimilate with the adjacent Rockbrook development. I note that the PA Opinion states that the development represents a diminution in the standard of accommodation real terms. I do not concur with this assessment. What is proposed now is a materially different scheme from that previously permitted in that it is a Built To Rent development. Whilst the standards for such scheme are different to a conventional apartment development, this does not imply that a reduction in the quality of the development is implicit. In this instance, I note that notwithstanding the guidelines set out for such schemes, that the development will provide for a very high standard of accommodation with a number of units exceeding the minimum size thresholds (29%). All units are afforded private amenity space and adequate storage. A very high quality public realm and communal open space is provided, well in excess of the standards. Communal facilities are provided for throughout the scheme. I further note that the revised layout will improve sunlight and daylight penetration and thus improve the overall amenity of the scheme. I also consider the revised materials and elevational treatment an improvement to the

previously permitted scheme and the as noted above, the taller tower element will have a more elegant and vertical composition. I consider the development strategy proposed satisfactory and consistent with the proper planning and sustainable development of the area.

## 10.5 **Site Services, Surface Water and Flood Impact**

### **Surface Water Drainage**

10.5.1 The development's surface water network has been designed in order to restrict the development discharge rate to the greenfield equivalent. SuDS will be provided in accordance with the GDSDS. Measures include attenuation storage, limiting discharges, green roofs, rainwater harvesting, cellular storage/permeable paving and raingarden/ landscape depression storage.

### **Foul Water Drainage**

10.5.2 It is proposed to construct a new internal foul drainage network in accordance with the Irish Water Code of Practice for Wastewater Infrastructure. The site is currently drained to the north via 150mm connection to the 525mm public foil sewer network in Blackthorn Drive. It is proposed to reuse this connection from the site, complete upgrade works and discharge to the public sewer on Blackthorn Drive. IW have confirmed that the existing sewer has adequate capacity to facilitate sewage from the development.

### **Water Supply**

10.5.3 There is significant existing infrastructure throughout the area, which served the building previously on the site. There is an existing 450mm AC main public water network on Carmanhall Road and an exiting 6' asbestos watermain which traverse the site and connects to the existing 150mm ductile iron main along the footpath on Blackthorn Drive. It is proposed to complete diversion works of the existing watermain traversing the site and provide a new metred site network connection including associated hydrants and valves.

### **Flood Impact**

10.5.4 A Site Specific Flood Risk Assessment has been undertaken with respect the subject site. No historical flood events have been recorded on the OPW web site, however there are recorded incidents of the drainage network surcharging in the vicinity of the

site. Storm water drainage in the vicinity of the site is connected to the Carysfort Maretimo culvert. The Eastern CFRAMS maps shows that the site is estimated to be at risk of flooding from fluvial events in the Carysfort Maretimo with a frequency of 0.1% AEP. In this context, further hydrological and hydraulic analyses has been undertaken by the applicant including a detailed site specific model. The assessment indicates that none of the site is considered to be in Flood Zone A. However, a small portion of the site is located within Flood Zone B.

10.5.5 Further modelling is undertaken to simulate the impact of the development on flooding in the area. The effect of attenuation and the subsequent reduction in flow leaving the proposed development site is also considered. The model indicates that the proposed development and mitigation measures incorporated will ensure that the risk of flooding to the proposed development is minimised. Three different scenarios are assessed and neither the buildings nor basement are impacted by flood water with adequate freeboard provided.

10.5.6 It is concluded that the development will not increase the risk of flooding elsewhere during the 1% AEP, 1% plus climate change or the 0.1% AEP events. The cumulative effects of the subject site in addition to the development of the Rockbrook site are also considered in the assessment. The model demonstrated that with both developments in place, there is no increase in flood risk to the properties in the surrounding area. The report concludes that the proposed development and finished floor levels incorporated onto the design of the development are resilient to the effects of climate change and also extreme events up to the 0.1% AEP event. The proposed development is considered to have a low residual risk of flooding.

10.5.7 Having regard to the fact that part of the site is located within Flood Zone B, a Justification Test is undertaken in section 9 of the SSFRA Report and is found to be in accordance with the criteria set out therein.

## **Conclusion**

10.5.8 I note that a detailed assessment of potential flood risk was undertaken with respect to the previous proposal under application reference 301428-18 with the neither the Board nor the Inspector raising any objection or concerns. I also note that no objections have been raised by the Drainage Department of Dun Laoghaire Rathdown Co. Co. regarding the current flood impact assessment and they have

stated that they are satisfied that the principles of the modelling approach adopted by RPS and the conclusions of the SSFRA are acceptable. The surface water drainage proposals are also considered acceptable and that the detailed technical requirements have been satisfied in the application subject to compliance with condition. Irish Water have raised no objection to the water supply or foul drainage proposals.

10.5.9 In conclusion, I am satisfied that the development can be fully serviced and that the proposed foul and surface drainage and water supply arrangements are acceptable. I am also satisfied that the development is unlikely to be impacted during and extreme flood event and will not cause adverse flood impacts to the surrounding area.

## 10.6 **Transport, Parking, Pedestrian/Cycle Facilities**

### **Introduction**

10.6.1 The site is accessed via Blackthorn Drive and Carmanhall Road, both main distributor roads within the Sandyford Business District. The site is immediately adjacent to the Stillorgan Luas stop and proposed public transport interchange as per SUFP objective TAM2. The SUFP includes a number of transport objectives pertinent to the site including TAM3 which promotes a Bus Priority Scheme along Blackthorn Drive as part of Sandyford Internal circular QBC from the Stillorgan Luas stop via Blackthorn Avenue, Blackthorn Road and Blackthorn Drive. The site is well served by Dublin Bus and pedestrian and cyclist infrastructure.

### **Access**

10.6.2 The majority of car parking in the development is to be provided on level 0 and will be accessed via an entrance from Carmanhall Road. Additional parking will be provided at Level 1 which will be accessed by an additional entrance on Carmanhall Road, just west of its junction with Corrig Road. A dedicated cycle access route to the level 0 parking area is provided on Blackthorn Drive. This will also facilitate infrequent servicing access requirements including bins during collections. Set down areas are proposed on both Carmanhall Road and Blackthorn Drive to facilitate the crèche drop off/collection, waste collection and other servicing needs. Pedestrian access is provided through the site via a north south link providing direct access to the Luas.

10.6.3 The access arrangements are similar to that previously proposed and I consider them satisfactory. The report from the Transportation Department of Dun Laoghaire Rathdown County Council raises concerns regarding the use of on road parking bays for servicing and refuse collection with several lanes of traffic on Blackthorn Drive and obstruction of pedestrians and cyclists at Blackthorn Drive and Carmanhall Road. I note that in the previous application pertaining to the site, the Inspector recommended a condition omitting the lay by parking spaces at Blackthorn Drive and Carmanhall Road frontages. This condition however, was not adopted by the Board in the final order. I consider that the quantum of lay by parking proposed to be minimal and appropriate to serve a development of this scale. I note that the applicant proposes to widen the footpath to the north and south of the site. This will considerably improve the space available to pedestrians. I recommend a condition is attached that the final detailing of all works to be undertaken to the public realm to be agreed in writing with the Planning Authority. Concerns regarding works to the cycle lanes along Blackthorn Drive raised by DLRCC can also be addressed by condition. The proposed roads, pedestrian and cycle layout is considered acceptable overall.

### **Traffic Impact**

10.6.4 A detailed traffic impact assessment is undertaken by the applicant. This was informed by a number of bespoke traffic surveys undertaken in April and May 2019. Base year flows were adjusted to the assumed year of opening for the development and the design year using medium range NRA growth factors. Trip generation is estimated to be 28 arrivals and 77 departures in the AM peak and 34 arrivals and 23 departures in the PM peak. It is noted that the estimated trip generation for the proposed development is effectively equal with the AM peak estimates for the approved development but notably lower for the PM peak hour estimates. It is stated that the development is considered to represent a net improvement in traffic impact relative to the previous permission pertaining to the site. The impact of the development on junctions in the vicinity of the site is assessed. The results show that the proposed development will have a negligible impact on the operation of the links and junctions in the local network with relatively minor to no impact on RFC values. A further assessment of potential traffic impacts is set out in section 11.12.

## **Car Parking and Bicycle Parking**

- 10.6.5 The proposed development provides for 285 no. car parking spaces. This is a significant reduction from that previously proposed under application reference 301428 on the subject site where 499 parking spaces were approved. Significant concerns have been raised by the Planning Authority regarding the quantum of parking proposed and refusal is recommended on the basis of the shortfall in provision.
- 10.6.6 The level of parking provision is justified by the applicant on the basis that the site is located in a high density, mixed use area; is highly accessible; is immediately adjacent to the Luas and is served by existing and proposed public transport connections; is within walking distance of a wide range of retail and community facilities and that it is located in a large employment centre. It is also noted that it is proposed to implement a Travel Plan to encourage a modal shift away from car based travel.
- 10.6.7 In considering the appropriateness of the parking provision cognisance must also be had to the guidance set out in the 'Guidelines for Planning Authorities, Design Standards for New Apartments' which notes that *"In larger scale and higher density development, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances"*. It is further noted that the development now proposed is a Built To Rent Scheme. SPPR 8 of the guidelines specifically notes that *"there will be a default or minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services."*
- 10.6.8 Whilst I note the concerns of the PA that there is still a requirement for car storage, in this instance, having regard to national policy, I consider the site is a suitable location for reduced car parking provision. The implementation of the Mobility Management Plan will encourage alternative transport modes. I also note that the development will be centrally managed and residential car parking spaces will not be allocated to individual apartments, but will be allocated to support the requirements/needs of individual residents via a management company. It will not be possible to purchase a car parking space on a permanent basis. This arrangement will ensure that prospective tenants of the scheme are fully aware of the parking

regime on the site. It will be made very clear to prospective tenants at the initial stage of communication as to what the parking availability is at the site and the lack of long term alternatives in the surrounding area. Furthermore, the development will incorporate 10 no. dedicated car club spaces to serve residents of the site. Each car club spaces has the potential to replace the journeys of up to 14 private cars. In this context, the reduction in provision can be justified and I consider it acceptable.

10.6.9 I note concerns have been raised by the PA regarding stacked parking in terms of operation and maintenance. Whilst I would concur that such an arrangement may pose difficulties for a build to sell scheme, as this is a centrally managed build to rent development, I have no objection to the principle of stacked parking.

10.6.10 In terms of cycle parking provision, the development will provide 1,178 cycle parking spaces. This is well in excess of what was previously permitted on the site (516 spaces) and provides c. 1.2 cycle spaces per unit. The level of parking provision is acceptable.

### **Conclusion**

10.6.11 In conclusion, I am satisfied that the development will have no material adverse traffic impacts. Trip generation rates will reduce compared to the development previously permitted on the site. The development will have a limited impact on the established traffic conditions at this suburban location, given the limited extent of parking proposed and its proximity to public transport services. The quantum of parking is considered acceptable and appropriate having regard to national policy objectives which seek to reduce car parking provision for central accessible sites and in particular for build to rent developments. The development will have a central management regime and shared parking provision is provided for. In addition, the implementation of a detailed Mobility Management Plan will ensure the switch to more sustainable transport modes. I am satisfied that the development will be acceptable in terms of traffic, access and parking.

## 10.7 Other Issues

### Social Infrastructure

- 10.7.1 The development includes a crèche facility with a floor area of 354 sq. metres. A Childcare Demand Assessment is submitted with the application. This details that based on demographic and census data, that the predicted demand by 2026 for a crèche facility is 57 children aged 0 to 4. Whilst a number of different assumptions were considered in arising at this figure, it is stated that it represents the most robust scenario. On this basis, a childcare facility of c. 168 sq. metres would be required. The development includes a crèche facility well in excess of the requirements.
- 10.7.2 I note that under the extant permission, a condition was imposed increasing the area of the crèche to 336 sq. metres. The current proposal is akin to that previously granted. Whilst the number of units has increased, I note that the housing mix has also changed with a higher percentage of studio and 1 bed units. There are now significantly less two and three bedroom units (46 less)
- 10.7.3 The applicant has submitted a detailed demographic analysis to support the application and included a review of existing crèche facilities in the area. Permission has also been granted at the adjacent Rockbrook site for a large crèche facility of 486 sq. metres. Having regard to the planning history of the site, the nature of the development which is now Built to Rent and the altered housing mix proposed in conjunction with the range of existing and permitted childcare facilities in the vicinity, I am satisfied that the scale of the crèche as proposed is satisfactory.

### Section 49 Contribution

- 10.7.4 The site is within the geographic area covered by the development contribution scheme relating to the extension of the Luas Line B from the Sandyford Depot to Cherrywood – namely the Luas Line B1. I recommend a condition is attached requiring the payment of a financial contribution towards this infrastructure.

### Part V

- 10.7.5 The applicant has submitted Part V proposals comprising the transfer of 56 no. units at the site to the Planning Authority. A schedule of estimated costs has been submitted. I note the report on file of DLRCC Housing Department which states that as the development is a Build to Rent development, that the on site transfer of units



is not a valid Part V compliance option due to the restriction on individual sales of apartments. The applicant is requested to submit an alternative Part V compliance proposal. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

## 11.0 Environmental Impact Assessment

### 11.1 Introduction

11.1.1 This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The subject application comprises a housing development of 564 no. units on a site of 1.54 ha. Under Section 172 of the Planning and Development Act 2000, as amended, a planning application which comes within a class of development specified under Schedule 2 of Part 5 of the Planning and Development Regulations 2001, as amended, requires that an Environmental Impact Assessment is carried out for the project type proposed. The relevant classes of development are under Part 2 (10) (b) (i) and (iv) of the Schedule relating to:

(i) *“Construction of more than 500 dwelling units”*

and

(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.”*

And Part 14

*“Works of Demolition carried out in order to facilitate a project listed in Part 1 or part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”*

11.1.2 This application was received by the Board on the 29<sup>th</sup> of October 2019 and, therefore, having regard to the provisions of Circular Letter PL1/2017, the subject application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations coming into

effect on the 1<sup>st</sup> of September 2018.

11.1.3 I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the Planning Authority, prescribed bodies and observers, has been set out above. This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed in section 10 above. The main issues raised specific to EIA can be summarised as follows:

- Impacts to landscape.
- Impacts to water.
- Impacts to air quality
- Impacts from noise and vibration

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

11.1.4 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I note the qualifications and expertise demonstrated by the experts involved in the preparation of the EIAR which are set out in the introduction to each chapter. The information contained in the EIAR generally complies with article 94 of the Planning and Development Regulations 2000, as amended.

## 11.2 **Content and Structure of EIAR**

11.2.1 The EIAR consists of three volumes. Volume 1 comprises a non-technical summary (NTS). The NTS is concise and written in a language that can be easily understood by a lay member of the public. Volume 2 is the main EIAR Report. Chapters 1 to 3 provide an introduction to the project and a description of the site, its urban context and the project description. Chapter 4 sets out an examination of alternatives. Chapter 5 addresses population and human health, Chapter 6 addresses archaeology and cultural heritage, Chapter 7 sets out an assessment of biodiversity, chapter 8 deals with landscape and visual impact, Chapter 9 addresses land, soils and geology and chapter 10 – water and hydrology. Chapters 11 and 12 address air quality and climate and noise and vibration. Chapter 13 sets out an assessment

of wind. Chapters 14, 15, 16 and 17 deal with material assets including traffic. Chapter 18 addresses interactions, chapter 19 sets out a summary of mitigation and monitoring and chapter 20 sets out any difficulties encountered.

11.2.2 The EIAR provides a description of the project comprising information on the site, design of the development and other relevant features of the project. No specific difficulties are stated to have been encountered in compiling the required information or in carrying out the assessment. No likely significant adverse impacts are identified in the EIAR. I am satisfied that the participation of the public has been effective and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

### 11.3 **Vulnerability of Project to Major Accidents and/or Disaster**

11.3.1 The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. There are no Seveso sites in proximity to the site. As a result the likelihood of major accidents and or/disasters is considered extremely unlikely. A site specific flood risk assessment has been undertaken and appropriate mitigation measures set out.

11.3.2 Potential risks during the construction phase will be managed through the Construction and Environmental Management Plan. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. It is considered that having regard to the nature and scale of the development itself, it is unlikely that any major accident will arise. There are unlikely to be any effects deriving from major accidents and or disasters.

### 11.4 **Alternatives**

11.4.1 Article 5 (1) (d) of the 2014 EIA Directive requires:

*“(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;”*

11.4.2 Annex (iv) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

*“2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for electing the chosen option, including a comparison of the environmental effects.”*

- 11.4.3 The matter of alternatives is addressed in Chapter 4 of the EIAR. Alternative designs, alternative processes and alternative mitigation measures are considered. A detailed rationale for the subject site is set out including its zoning. It is stated that having regard to the zoning provisions of the site, alternative locations were not considered. The development accords with the policy provisions relating to the site. This approach is considered reasonable. The mitigation measures are considered appropriate for the development and, therefore, no alternative mitigation measures were considered.
- 11.4.4 In terms of alternative designs, it is noted that the design of the development evolved over a number of iterations, where different massing and density studies were considered. Matters such as master planning considerations including connections and permeability, resident amenity space, height/density and façade treatment have influenced the design strategy. Figure 4.9 sets out the different massing options considered. A series of diagrams indicating the design development including elevational studies, massing and proportion studies, different façade treatments are set out in the EIAR.
- 11.4.5 With regard to alternative processes, it is detailed that it is not considered relevant to the EIAR having regard to the nature of the proposed development – a strategic housing development. I am satisfied that the issue of alternatives has been adequately addressed in the application documentation, which is to be considered by ABP as the Competent Authority in the EIA process.

## 11.5 **Likely Direct/Indirect Significant Effects**

- 11.5.1 Article 3 of the EIA Directive 2014/52/EU requires the consideration of the following 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 factors referred to in points (a) to (d).

11.5.2 The likely significant direct and indirect effects of the proposed development are considered under the following headings:

- Population and Human Health
- Biodiversity
- Land and Soil
- Water
- Air Quality and Climate
- Noise and Vibration
- Material Assets including Traffic and Transportation
- Cultural Heritage
- Landscape and Visual Impact
- Wind
- Interactions

## 11.6 **Population and Human Health**

11.6.1 The human beings section of the EIAR sets out the existing demographic profile of the area and an assessment of existing local services and amenities including retail, sports and educational facilities. During the construction phase, there is potential for negative impacts to human beings from construction activities. Mitigation measures to address such potential impacts are set out in other sections of the EIAR including the noise, air quality and traffic sections. A preliminary Construction Management Plan has been prepared.

11.6.2 It is envisaged that the development will have positive economic impacts and during the construction phase, there will be approximately 450-500 people working on the site. There will also be substantial off site employment and economic activity associated with the supply of construction materials and provision of services with an estimated 170 no. indirect workers.

11.6.3 During the operational phase, the provision of additional homes will have a positive impact on the population of the county contributing to its growth in a

compact manner. The development will provide a choice of tenure. The provision of local services such as the café and crèche will also have a positive impact. No negative residual impacts are anticipated.

### **Conclusion**

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

### **11.7 Biodiversity**

11.7.1 The subject site has been within the urban fabric of Dublin since historical times. A baseline survey was undertaken to inform the biodiversity chapter of the EIAR including habitat survey and a mammal survey. I am satisfied with the extent and methodology of the surveys undertaken. The site is not located within any designated nature conservation area.

11.7.2 The survey reveals that there are no plant species which are protected or considered to be rare or threatened. There are no alien invasive species. There are no water courses, bodies of open water or habitats which could be considered wetlands. The lands are considered to be of low biodiversity value. No direct evidence of any mammal was recorded. The trees within or adjacent to the lands were assessed for their suitability for roosting bats. Features on the site were also assessed for their suitability for roosting bats. Due to the low value of treeline habitats, a lack of obvious roof cavities and a lack of mature trees, the site is considered to have low suitability for roosting bats.

11.7.3 During the construction phase the potential impact of the development on biodiversity is considered negligible. There will be no negative impact on habitats given their limited biodiversity value. The landscaping programme to be implemented will enhance habitat on the site. In terms of birds, due to the lack of natural vegetation on the site, there is a very low risk to nesting birds. During the operational phase foul wastewater arising from the development will be sent to Ringsend. Upgrade works are needed as the plant is not currently meeting its requirements under the Urban Wastewater Treatment

Directive. As the foul discharge from the development would equate to a small percentage of the overall licenced discharge at Ringsend WWTP, it will not impact on the overall quality within Dublin Bay. Surface water drainage system to be installed in the site will be in accordance with the GSDS and SuDS.

- 11.7.4 Mitigation measures include measures to protect disturbance to bird's nests during nesting season. Best practice measures will be followed during the construction phase to prevent surface water contamination. It is not anticipated that there will be any residual impacts to biodiversity.

### **Conclusion**

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

## **11.8 Land and Soil**

- 11.8.1 Impacts to land, soils and geology are set out in chapter 9 of the EIAR. Site investigations were carried out in 2019 with the excavation of trial pits, infiltration test trial pits, foundation pits and rotary core boreholes. The subsoils predominantly comprise glacial till which comprise a layer of fine to course sandy Gravel embedded among or between layers of Sandy Gravelly Clay. Depth top bedrock varied between 1.5 to 5.5mbGL. 21 soil samples were assessed by GII for contamination. The results of the Waste Acceptance Criteria testing confirmed material complied with inert limits with the exception of 4 samples of which 1 no. were classified as non hazardous and 1 no. as hazardous due to the presence of elevated Selenium. There are no areas of geological interest in the vicinity of the site. The site is not considered sensitive from a geological perspective.
- 11.8.2 During the construction phase, there will be extensive excavation and infilling activities to construct the basements. This will result in a moderate negative impact as a result of the excavation of boulder clay and bedrock. There is potential for accidental spills and contamination of soils during the construction phase. Material which is exported from the site, if not correctly

managed could have negative impacts. There is potential for air quality impacts from dust from excavations. There is also potential for impacts to water quality from dewatering activities and from contaminated run off. During the operational phase, it is not anticipated that there will be any impacts for the soil and geological environment.

- 11.8.3 A number of mitigation measures are set out in relation to soil during the construction phase. These include control of soil excavation and export from site; sources of fill and aggregates for the project; fuel and chemical handling, transport and storage; and control of water during construction. All mitigation measures will be incorporated into a final Construction Management Plan and Environmental Plan. No significant residual effects are anticipated.

### **Conclusion**

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

### **11.9 Water**

- 11.9.1 The site is situated in the catchment of the Carysfort Maretimo stream in Dun Laoghaire and drains to Dublin Bay which flows in a north easterly direction passing under Stillorgan and Blackrock to join the sea at Blackrock. The stream is a highly modified High Priority Watercourse (HPW) urban watercourse. The granite underlying the site is generally unproductive poor aquifer except for local zones. The bedrock aquifer was not encountered during site investigations. Due to the high urbanisation of the site, groundwater recharge to the aquifer is low. There are no recorded groundwater abstractions/users within the study area and there are no source protection zones mapped in the area. It is not proposed to abstract water from ground and the underlying aquifer. There was no groundwater encountered during investigations. The site has an existing surface water pipe connection to the public surface water sewer on Blackthorn Drive. The existing surface water network discharged to the Carysfort Maretimo stream.



11.9.2 Impacts during the construction phase primarily relate to potential contamination from run off containing pollutants (such as minerals and oils) and high concentrations of suspended solids. A range of mitigation measures are set out in the EIAR to minimise potential impacts including control of excavation and export from the site, fuel and chemical handling, transport and storage and control of water during construction. The Construction Management Plan will set out control measures to be implemented. During the operational phase, it is not envisaged the development will give rise to any significant long term impacts. The implementation of a range of SuDS methods will impact positively on surface water drainage. There will be an increased discharge of surface water from the development but it will be attenuated below greenfield levels in accordance with GDSDS. The potential for residual impacts is considered negligible.

### **Conclusion**

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

## **11.10 Air Quality and Climate**

### **Air Quality**

11.10.1 Baseline air quality is assessed having regard to existing air quality monitoring undertaken by the EPA and equate to Zone A. No site specific air quality monitoring has been undertaken. However, considering the character of the site, I consider the existing baseline data carried out by the EPA as sufficient to undertake the assessment of potential impacts. A detailed outline of existing baseline conditions is set out in tables 11.2 and 11.3 of the EIAR.

11.10.2 During the construction phase the main source of air quality impacts will be as a result of fugitive dust emissions from site activities. There is potential for dust emissions from earthworks and construction activities. The most common impacts are dust soiling and increased ambient PM10 concentrations. The primary sources of

air and climatic emissions in the operational context are deemed long term and will involve the change in traffic flows in the local area which are associated with the development. The local air quality modelling assessment concluded however, that levels of traffic derived pollutants resulting from the development will not exceed the ambient air quality standards. The impact of the development in terms of PM<sub>10</sub>, PM<sub>2.5</sub>, CO, NO<sub>2</sub> and benzene is negative, long terms and imperceptible. Overall the impact on air quality as a result of traffic increases associated with the proposed development are long term in duration, localised negative in terms of quality and imperceptible in terms of significance.

- 11.10.3 A number of mitigation measures are set out to control potential impacts during the construction phase. These include general dust management measures including a dust minimisation plan, the installation of Bergerhoff dust monitoring gauges to be installed for the duration of the project at nearby sensitive receptors, demolition techniques, construction management measures etc. No residual impacts are envisaged during the construction or operational phase.

### **Climate**

- 11.10.4 The proposed development will have a positive impact on climate change by reason of a high density residential scheme located in an urban area which maximises the potential for sustainable transportation modes, contributes to a reduction in urban sprawl and regenerates brownfield land. The impact of the development on emissions of CO<sub>2</sub> and on national greenhouse gas emissions will be insignificant in terms of Ireland's obligations under the EU 2020 Target.

### **Conclusion**

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

## **11.11 Noise and Vibration**

- 11.11.1 An environmental noise survey was conducted in order to quantify the existing noise environment. Two different locations were surveyed. Noise measurements were

generally dominated by traffic noise and were generally high. Construction noise was also noted. Luas trains were audible in the background but were not noted to contribute to any significant source of noise over and above that associated with road traffic.

- 11.11.2 It is envisaged that the development will generate noise disturbance during the construction phase. This will arise from site clearance, piling, excavation and substructure works, from the erection of buildings and also from construction traffic accessing and egressing the site. There is the potential for some temporary significant noise impacts when works are undertaken within close proximity to the receptor locations. However, these occurrences will only be temporary and the majority of the construction works will take place at distances from the receptors where no significant impacts are predicted and the construction criteria will be complied with. Due to the close proximity of the temporary school site some 10 metres to the east of the site, there is potential for impacts when construction works are taking place along the boundary. The main source of vibration during the construction programme is associated with piling and excavation activities.
- 11.11.3 During the operational phase, the outward noise impact to the surrounding environment will be limited to any additional traffic on surrounding roads, plant noise from the commercial buildings as part of the development and breakout noise from café and residential amenity areas. Suitable criteria have been selected for plant emissions and they will be attenuated to meet the relevant noise criteria for day and night time periods. The gym, café and roof top function room are located along the northern boundary of the site and the nearest external noise sensitive locations are residential properties located 50-60m to the west and north. It is stated in the EIAR that additional traffic from the development will not have a significant impact on the surrounding noise environment. With regard the crèche, it is detailed that considering the usage of the crèche area and the standard noise insulation of the façade, it is predicted that the internal noise criteria will be met in all apartments and the resultant noise impact due to the crèche is not significant.
- 11.11.4 A range of mitigation measures are proposed during the construction phase including limiting hours of construction activities, selection of appropriate plant and noise monitoring during critical periods at sensitive locations. Specific mitigation measures apply to the temporary school on the eastern boundary. Consideration of

sensitive hours will be required when undertaking the works most likely to cause the highest impacts. It is recommended that these works, or any other works that have the potential to exceed the noise thresholds are only undertaken during less sensitive periods when within 50m distance to the school.

- 11.11.5 During the operational phase, as part of the detailed design of the development, plant items with appropriate noise rating, where necessary, appropriately selected remedial measures (e.g. enclosures, silencers etc.) will be specified in order that the adopted plant noise criteria is achieved at the facades of noise sensitive properties, including those within the development itself. The inward noise assessment has determined that some façades of the development will require enhanced glazing and ventilation specification to meet the proposed internal noise criteria. Specifications for glazing and ventilation systems are proposed in order to mitigate noise intrusion from external sources.
- 11.11.6 In terms of residual impacts, demolition activities undertaken during the construction phase are predicted to exceed the noise thresholds for potential significant effect when they occur at the closest proximity to the dwellings located on the boundary of the site. The impacts are however, temporary. Other construction activities will be of moderate significance and short term.

### **Conclusion**

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

### **11.12 Material Assets including Traffic and Transportation**

#### Traffic and Transportation

- 11.12.1 A number of surveys including junction turning counts, queue length surveys and pedestrian crossing surveys were undertaken in 2019 to inform the traffic assessment. The survey data was projected to future year levels to allow for natural traffic growth and adjacent development.

- 11.12.2 During the construction phase it is estimated that the development will generate 60 vehicle movements per day from staff and site visitors and 50 vehicles per day from light goods vehicles and subcontractor staff. There will be 120 heavy good vehicle movements per day allowing for material removal and delivery. It is noted that given the topography of the site and the proposed design, the amount of excavation will be relatively limited and the duration of such works will be short term.
- 11.12.3 During the operational phase, the do maximum scenario (natural background traffic growth, the additional traffic estimated to be generated by the proposed development and relevant 3<sup>rd</sup> party development in the local area) is assessed. The EIAR notes that there will be larger impacts to junction capacities during the PM peak. However, Junction 3 is seen to operate above normal capacity limits regardless of any development taking place and Junction 1 is shown to operate within capacity through a simple optimisation of its traffic signal plan. The link capacities for the study area road network will continue to operate within acceptable limited for all scenarios assessed.
- 11.12.4 In terms of mitigation measures, during the construction phase construction traffic will be addressed through the implementation of a Construction Management Plan. For the operational phase, car parking is reduced which will help minimise the traffic impact associated with the development. In addition, a Travel Plan will be implemented and will include measures to facilitate and encourage a positive modal split to more sustainable modes of transport. No significant residual impacts are anticipated.

### **Conclusion**

- 11.12.5 I have considered all of the written submission made in relation to traffic. I note that the development will result in some additional traffic movements with consequent impacts on local junction capacity. I am satisfied however, that the impacts will not be material and that due to the limited extent of car parking proposed the impacts will be significantly less than that previously permitted on the site. It is considered that the environmental effects would not justify a refusal of planning permission. I am satisfied that the impacts identified would be avoided, managed and/or mitigated by the measures, which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the

proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of traffic.

#### Waste

- 11.12.6 A Construction and Demolition Waste Management Plan will be implemented during the construction phase. Techniques will be implemented to minimise waste during the construction phase. It is estimated that c. 10,100m<sup>3</sup> of soil, stone, gravel, clay and rock will be excavated from the site. This will be taken off site for re-use, recovery, recycling and/or disposal. During the operational phase waste will be segregated and an Operational Waste Management Plan implemented. Dedicated communal waste storage area are allocated throughout the development. Mitigation measures are set out to reduce the amount of waste produced, to manage the wastes generated responsibly and handle the waste in such a manner to minimise the effects on the environment.

#### Utilities

- 11.12.7 The potential impacts to utilities including electricity, telecommunications, and gas, are considered. The site is brownfield in character and serviced. No adverse impacts are anticipated.
- 11.12.8 Impacts to water supply, foul drainage and storm water drainage infrastructure are also considered. There is existing infrastructure throughout the area which will serve the site and which is adequate to cater for the development. There may be some negative effects during the construction phase with disruptions to supply cause by drainage and water supply diversion and connections to local infrastructure. Such impacts however, will be short term in nature.

#### **Conclusion**

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

### 11.13 **Cultural Heritage**

- 11.13.1 A detailed desktop study and site walkover survey were undertaken to inform the assessment. There are no recorded monuments or stray finds within the subject site which are identifiably prehistoric, early medieval, medieval or post medieval. There are 5 archaeological monuments within 1km of the site. Analysis of cartographic, historic, architectural and archaeological sources and site observations suggest that there is a very low probability of previously unrecorded archaeological features being identified on the site. There have been no archaeological investigations in the vicinity of the site. There are no protected structures on the site. There are no Architectural Conservation Areas in the vicinity of the site.
- 11.13.2 Given the low archaeological significance of the site and that no features of architectural significance were identified, it is considered that potential impacts on cultural heritage during the construction or operational phases of the development are likely to be negligible. It is noted that the 17 storey element will be visible from the Varty Waterworks Complex (RPS Ref:1524). It is stated however, that there is a precedent in the existing partially constructed Sentinel building and that the development will have no significant negative visual impact.
- 11.13.3 In terms of mitigation, it is recommended that any excavation works undertaken at the proposed development be subject to archaeological monitoring. No residual effects are predicted to arise from the development.

#### **Conclusion**

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

### 11.14 **Landscape and Visual Impact**

- 11.14.1 The matter of landscape and visual impact is addressed in section 8 of the EIAR. It considers the impact of the development on the landscape character and visual amenity of the site and on the contiguous urban

landscape and its environs. In order to inform the assessment a total of 20 photomontage views were prepared. These cover a range of locations and I consider the selection to be robust and sufficient to enable a comprehensive assessment to be undertaken.

11.14.2 During the construction phase there will be potential impacts from temporary works including temporary vertical elements such as cranes. These however, will be short term.

11.14.3 In terms of impacts on the landscape character, it is considered that the development will have positive effects as it will transform an underutilised urban site. The visual impact of the development from the 20 different view points is considered. In 7 of the views, the impact is assessed as imperceptible, in 7 views the impact is considered slight, in 4 views the impact is assessed as moderate and in 2 views the visual impact is considered significant of which 1 is neutral and 1 is positive. No significant adverse negative impacts are predicted. The assessment for each view is generally positive. It is considered that the development is entirely in keeping with the existing built context and future planned context for the area. The SUIFP envisages high rise, high density residential development for the site. The development conveys a gateway to the Sandyford Mixed Inner Core and makes a positive contribution to the skyline. The overall impact of the proposed development on the existing urban landscape and the landscape character of this part of the city is assessed as moderate and positive.

11.14.4 Mitigation measures during the construction stage of the development relate to the implementation of appropriate site management procedures addressed the Construction Management Plan for the project. Impacts will be short term and temporary in nature.

### **Conclusion**

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



## 11.15 **Wind**

11.15.1 The wind modelling study was performed through an Advanced Computational Fluid Dynamics analysis. A statistical analysis of 30 years of historical weather wind data was carried out to find the most critical wind speeds and directions and the frequency of occurrence of same at the subject site. Mean hourly wind speeds recorded at a weather station at the airport were also utilised. The objective of the analysis is to identify areas of concern in terms of critical flows and areas where the pedestrian safety and comfort could be compromised and to implement mitigation measures that can improve the comfort and safety of any critical areas identified. A detailed methodology is set out and I am satisfied that the wind modelling undertaken is robust.

11.15.2 The modelling carried out generally shows that the proposed development will provide a quality environment that is attractive and comfortable for pedestrians. The development does not introduce major critical impacts on the existing environment. Good shielding is achieved on all critical roads. Funnelling effects across the development do not reach critical velocities and would be mitigated by the presence of trees. The pedestrian comfort assessment shows that the entire development is suitable for any activities and no critical conditions were found for frail persons or cyclists. Critical issues were not found for the potential use of the roof terraces. Balconies appear to be shielded by the main wind direction analysed and having regard to their location and the fact that a solid parapet is used for them as part of the architectural design, it can be anticipated that during the summer months, it will be suitable to use the balconies to stand or sit. It is concluded that the development will not introduce any critical impact on the surrounding areas and on existing buildings. Mitigation measure include landscaping including tree planting. No residual impacts are anticipated.

### **Conclusion**

11.15.3 I have considered all of the written submissions made in relation to wind impact. I am satisfied that impacts identified would be avoided, managed and/or mitigated by the measures, which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the

proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of wind impact.

#### 11.16 **Interactions**

11.16.1 I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. In particular, there are potential cross effects to human beings from air quality and noise impacts. There is a potential interaction between wind and landscape and visual impact and between biodiversity and landscape. The potential arises for traffic to interact with other factors including air, noise and human health (increased levels of dust and noise). The details of all other interrelationships are set out in Chapter 18, which I have considered.

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

#### 11.17 **Cumulative Impacts**

11.17.1 While some cumulative effects may arise from the proposed development together with existing and permitted developments, I am satisfied that these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

#### 11.18 **Reasoned Conclusion**

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

##### **Population and Human Health**

The development will have positive economic impacts in terms of job creation and spin off benefits during the construction phase. It will have a positive impact on the population of the area, provide additional homes and

consolidate the urban area. Potential negative impacts to human beings during the construction phase will be mitigated through the implementation of appropriate mitigation measures including a Construction and Environmental Management Plan.

### **Land and Soils**

There will be extensive excavation and infilling activities on the site. There is potential for accidental spills and contamination of soils during the construction phase. There is potential for air quality impacts from dust from excavations and potential for impacts to water quality from dewatering activities and from contaminated run off. Any negative impacts will be mitigated by appropriate excavation on the site, measures to control sediment in surface water runoff and use of construction management measures.

### **Water**

Impacts during the construction phase primarily relate to potential contamination from run off containing pollutants (such as minerals and oils) and high concentrations of suspended solids. Potential for impact on the water quality will be mitigated by the use of construction management measures during construction, servicing of the site to the public system and mitigation measures to prevent water pollution. The implementation of a range of SuDS methods will impact positively on surface water drainage.

### **Air Quality**

During the construction phase there is potential for dust emissions from earthworks and construction activities. A number of mitigation measures are set out to control potential impacts during the construction phase. These include general dust management measures including the installation of dust monitoring gauges, demolition techniques, construction management measures etc. A final Construction Environmental Management Plan will be prepared prior to the construction of the development.

### **Noise and Vibration**

The development will generate noise disturbance during the construction phase. This will arise from site clearance, piling, excavation and substructure works, from the erection of buildings and also from construction traffic accessing and egressing

the site. A range of mitigation measures are proposed during the construction phase including limiting hours of construction activities, selection of appropriate plant and noise monitoring during critical periods at sensitive locations. Specific measures will be put in place to protect the temporary school site adjacent to the site from adverse impacts. During the operational phase, as part of the detailed design of the development, plant items with appropriate noise rating, and where necessary, appropriately selected remedial measures will be specified in order that the adopted plant noise criteria is achieved at the facades of noise sensitive properties, including those within the development itself.

### **Visual Impact**

In terms of impacts on the landscape character, it is considered that the development will have positive effects as it will transform an underutilised urban site. No significant adverse negative impacts are predicted. It is considered that the development is entirely in keeping with the existing built context and future planned context for the area. The development conveys a gateway to the Sandyford Mixed Inner Core and makes a positive contribution to the skyline. The overall impact of the proposed development on the existing urban landscape and the landscape character of this part of the city is assessed as moderate and positive.

### **Traffic**

Potential traffic impacts during both the construction and operational phase will largely be mitigated through the implementation of a Construction Traffic Management Plan and a Mobility Management Travel Plan.

- 11.18.2 In conclusion, the submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The EIAR has considered that the main direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures. I am,

therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

## 12.0 **Appropriate Assessment**

### 12.1 **Introduction**

- 12.1.1 Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015.
- 12.1.2 In accordance with these requirements and noting the Board's role as the Competent Authority who must be satisfied that the proposal would not adversely affect the integrity of the Natura 2000 site(s), this section of my report assesses if the project is directly connected with or necessary to the management of European Site(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site, in view of the site(s) conservation objectives.
- 12.1.3 Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:
- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
  - Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG).
- 12.1.4 Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

## Appropriate Assessment Screening

12.1.5 An AA screening report was submitted with the application. The report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites. I note that that a Screening Report was also previously submitted with respect to the previous application on the site – application reference 301428. Both reports list different sites as being within the zone of influence of the subject development. To ensure a comprehensive list of sites is considered in this Screening Assessment, a list of all potential SACS and SPAS within the zone of influence are detailed below:

Site Name (Site Code)	Approximate Distance to Development Site	Qualifying Interests
<b>South Dublin Bay SAC (000210)</b>	3.5 km	Mudflats and sandflats not covered by seawater at low tide [1140].
<b>Wicklow Mountains SAC (002122)</b>	6.6 km	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030] Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p>

		<p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>
<b>Knocksink Wood SAC (000725)</b>	7.2 km	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>
<b>Ballyman Glen SAC (000713)</b>	8.4 km	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>
<b>Rockabill to Dalkey Island SAC (003000)</b>	8.4 km	<p>Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p>
<b>North Dublin Bay SAC (000206)</b>	8.6 km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>

<b>Glenasmole Valley SAC (001209)</b>	10.4 km	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>
<b>Bray Head SAC (000714)</b>	12.4 km	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
<b>Howth Head SAC (000202)</b>	12.8 km	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
<b>Baldoyle Bay SAC (000199)</b>	14.2 km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>
<b>South Dublin Bay and River Tolka Estuary SPA (004024)</b>	3.5 km	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p>



		<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p><b>North Bull Island SPA 004006</b></p>	<p>10.1km</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>

<b>Poulaphouca Reservoir SPA</b>	18km	Greylag Goose ( <i>Anser anser</i> ) [A043] Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183]

12.1.6 Having regard to the information on file, the planning history of the site including the Appropriate Assessment undertaken with respect to application reference ABP 30142 and information from the NPWS website, I am satisfied that the only sites that have a potential hydrological link to the development site are the following:

- South Dublin Bay SAC (000210)
- Rockabill to Dalkey Island SAC (003000)
- North Dublin Bay SAC (000206)
- Baldoyle Bay SAC (000199)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Bull Island SPA (004006)
- The Poulaphouca Reservoir SPA (004063)

12.1.7 The development will not result in any habitat loss to any of the designated sites. Nor will it increase disturbance effects to birds in Dublin Bay due to the distance of the site from these sensitive areas. The development is connected to European sites within Dublin Bay via the surface water and foul water networks. Surface water from the development will discharge to the Carysfort Maretimeo stream which ultimately discharges to the Irish Sea at Blackrock. Foul discharge from the development will drain to an existing foul sewer on Blackthorn Drive and ultimately to Ringsend WWTP prior to discharge to Dublin Bay at Poolbeg. Drinking water supply for the development will originate from the Poulaphouca Reservoir.

12.1.8 The existence of a potential pathways however, does not necessarily mean that potential impacts will arise. The development will incorporate SuDS measures including a Class 1 light liquid interceptor prior to discharge to the surface water

drainage network. There will be no net change to the quantity of surface water leaving the site. During the construction phase, a suite of best practice construction measures will be employed. These are standard design measures and are not considered to provide mitigation for any negative effect to a Natura 2000 site. I am satisfied that there is no possibility of significant impacts on European sites within Dublin Bay from surface water pressures from the development for the following reasons:

- Any pollution event is likely to be short in duration (i.e. confined to storm events during the construction phase);
- There would be dilution within the existing drainage network and receiving water environment;
- There is known potential for waters in Dublin Bay to rapidly mix and assimilate pollutants; and
- The incorporation of attenuation and filtration measures within the design of the development prior to discharge to the surface water network, which will reduce the effects of storm flows on downstream European Sites during operation

12.1.9 With regard to potential for dust emissions during the construction phase, it is noted that given the distance between the development site and the Natura 2000 sites, no impacts are considered likely to occur.

12.1.10 The development will result in an increased P.E. loading to the Ringsend WWTP. Although Ringsend WWTP currently operates above its capacity of 1.64 million PE, there is no possibility that the additional foul water loading resulting from the development will result in significant effects on European sites within Dublin Bay for the following reasons:

- The coastal waters in Dublin Bay are classed as 'unpolluted' by the EPA; There is no evidence that pollution through nutrient input is effecting the conservation objectives of Dublin Bay.
- The Ringsend WWTP extension is likely to be completed in the short – medium term to ensure statutory compliance with the WFD. This is likely to maintain the 'Unpolluted' water quality status of coastal waters despite potential pressures from future development;

- There is no proven link between Ringsend WWTP discharges and nutrient enrichment of sediments in Dublin Bay based on previous analyses of dissolved and particulate Nitrogen signatures; and
- Enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.
- No other European sites are connected to the development. No Qualifying Interest (QI) fauna or habitats were noted within the subject site. There is, therefore, no potential for significant effects on a European Site resulting from loss of habitats or direct loss of *ex situ* QI species during the proposed development.

### **In Combination or Cumulative Effects**

12.1.11 There is no possibility of significant effects on any European site arising from surface and foul water discharges during the construction and / or operation of the proposed development in combination with other plans or projects. This is concluded on the basis that:

- The coastal waters in Dublin Bay are classed as ‘Unpolluted’ by the EPA;
- Sustainable development including SuDS for all new development is inherent in objectives of all development plans within the catchment of Ringsend WWTP; The implementation of this policy will see broad compliance with environmental and planning matters in an integrated manner. This is likely to result in a long term improvement to the quality and quantity of storm water run off;
- The Ringsend WWTP extension is likely to be completed in the short – medium term to ensure statutory compliance with the WFD. This is likely to maintain the ‘Unpolluted’ water quality status of coastal waters despite potential pressures from future development;
- Implementation of the WFD will ensure that improvements to water quality in Dublin Bay are maintained.
- There is no proven link between WWTP discharges and nutrient enrichment of sediments in Dublin Bay based on previous analyses of dissolved and particulate Nitrogen signatures; and

- Enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

### **AA Screening Conclusion**

12.1.12 Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European sites, it is reasonable to conclude on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay SAC (000210), Rockabill to Dalkey Island SAC (003000), North Dublin Bay SAC (000206), Baldoyle Bay SAC (000199), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), The Poulaphouca Reservoir SPA (004063) any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

### **13.0 Recommendation**

13.1 In conclusion, I consider the principle of residential development to be acceptable on this site having regard to the zoning of the site under the Sandyford Urban Framework Plan 2016-2022. The housing density and mix are acceptable with regard to the location of the site in an established urban area adjacent to the Stillorgan Luas stop and close to a wide range of services and facilities. In my opinion, the proposal will provide a high quality development, catering to a certain cohort of the population. The proposed residential design and layout are in accordance with the relevant national and local policies on residential development and will provide a satisfactory standard of residential accommodation and residential amenity. The height and visual impact of the development is considered acceptable and there is a robust rationale for the design approach adopted.

13.2 I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I am satisfied that the development would not have any material adverse impacts on the visual or residential amenity of the area. I consider the development to be in compliance with the proper planning and sustainable development of the area.

13.3 Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission of **GRANTED** for the development as proposed for in the reasons and considerations and subject to the conditions set out below.

## 14.0 **Draft Order**

### **Reasons and Considerations**

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

- (a) the site's location in the established area of Sandyford and adjacent to the Stillorgan Luas stop,
- (b) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan 2016-2022,
- (c) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (f) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018,
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- (i) the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (j) the nature, scale and design of the proposed development,

- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area, and
- (n) the report of the Inspector and the submissions and observations received.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European sites including the South Dublin Bay SAC (000210), Rockabill to Dalkey Island SAC (003000), North Dublin Bay SAC (000206), Baldoyle Bay SAC (000199), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), The Poulaphouca Reservoir SPA (004063) taking into account the nature, scale and location of the proposed development, the Screening Report submitted with the application, the Inspector's report, the submissions on file and the Appropriate Assessment undertaken with respect to application reference ABP301428. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on the above European Sites or on any other European Site in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment is not required.

### **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 Authority, 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 completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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



### **Population and Human Health**

The development will have positive economic impacts in terms of job creation and spin off benefits during the construction phase. It will have a positive impact on the population of the area, provide additional homes and consolidate the urban area. Potential negative impacts to human beings during the construction phase will be mitigated through the implementation of appropriate mitigation measures including a Construction and Environmental Management Plan.

### **Land and Soils**

There will be extensive excavation and infilling activities on the site. There is potential for accidental spills and contamination of soils during the construction phase. There is potential for air quality impacts from dust from excavations and potential for impacts to water quality from dewatering activities and from contaminated run off. Any negative impacts will be mitigated by appropriate excavation on the site, measures to control sediment in surface water runoff and use of construction management measures.

### **Water**

Impacts during the construction phase primarily relate to potential contamination from run off containing pollutants (such as minerals and oils) and high concentrations of suspended solids. Potential for impact on the water quality will be mitigated by the use of construction management measures during construction, servicing of the site to the public system and mitigation measures to prevent water pollution. The implementation of a range of SuDS methods will impact positively on surface water drainage.

### **Air Quality**

During the construction phase there is potential for dust emissions from earthworks and construction activities. A number of mitigation measures are set out to control potential impacts during the construction phase. These include general dust management measures including the installation of dust monitoring gauges, demolition techniques, construction management measures etc. A final Construction Environmental Management Plan will be prepared prior to the construction of the development.

## **Noise and Vibration**

The development will generate noise disturbance during the construction phase. This will arise from site clearance, piling, excavation and substructure works, from the erection of buildings and also from construction traffic accessing and egressing the site. A range of mitigation measures are proposed during the construction phase including limiting hours of construction activities, selection of appropriate plant and noise monitoring during critical periods at sensitive locations. Specific measures will be put in place to protect the temporary school site adjacent to the site from adverse impacts. During the operational phase, as part of the detailed design of the development, plant items with appropriate noise rating, and where necessary, appropriately selected remedial measures will be specified in order that the adopted plant noise criteria is achieved at the facades of noise sensitive properties, including those within the development itself.

## **Visual Impact**

In terms of impacts on the landscape character, it is considered that the development will have positive effects as it will transform an underutilised urban site. No significant adverse negative impacts are predicted. It is considered that the development is entirely in keeping with the existing built context and future planned context for the area. The development conveys a gateway to the Sandyford Mixed Inner Core and makes a positive contribution to the skyline. The overall impact of the proposed development on the existing urban landscape and the landscape character of this part of the city is assessed as moderate and positive.

## **Traffic**

Potential traffic impacts during both the construction and operational phase will largely be mitigated through the implementation of a Construction Traffic Management Plan and a Mobility Management Travel Plan.

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

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

development, would be acceptable in terms of pedestrian and traffic safety and would not result in a significant flood risk at the development site or upstream or downstream of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed 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 development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of any development.

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

3. The applicant shall submit the following to the Planning Authority for agreement prior to the commencement of development:
  - a) Proposals and drawings for addressing the level change adjoining Block A between the site and the adjoining site to the west.
  - b) Detailed landscaping and architectural proposals for addressing the tie in with the pedestrian boulevard on the adjoining site to the west.
  - (c) Full details of way finding through the site including details of access to the public lifts which should include hours of operation.

**Reason:** In the interests of visual amenities, permeability, connectivity and good urban design.

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

works and services.

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

5. The 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.

6. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

7. Prior to the commencement of development, the owner shall submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.

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

8. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the Planning Authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

9. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the management company, established to manage the operation of the development together with a detailed and

comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

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

10. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development:
  - (a) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.
  - (b) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the Planning Authority for such road works.
  - (c) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
  - (d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.
  - (e) A Mobility Management Plan, to include parking management, shall be prepared and submitted to the Planning Authority for approval prior to the commencement of development.
  - (f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the Planning Authority for approval and shall carry out and cover all cost of all agreed recommendations contained in the audit.
  - (g) Full details of cycle parking facilities to be submitted to the Planning Authority for written agreement.

(h) Full details of development works at the interface with the public realm at Carmanhall Road and Blackthorn Drive within and outside the site boundary. All works to be carried out on the public road/footpath shall be at the Applicant's expense to meet the Dun Laoghaire Rathdown County Council's Taking in Charge requirement and all to the satisfaction of the Planning Authority. The works shall include the provision of an accessible continuous legible unobstructed minimum pedestrian footway along each development frontage and an unobstructed westbound cycle track along Blackthorn Drive as a continuation of the cycle track to the east. Details shall include tree planting and any conflicts between provision of services and or transport infrastructure and provision of tree planting will be identified and agreed.

(i) Designated visitor parking and crèche parent and child parking spaces shall be provided within the site at the Carmanhall Road podium parking area. Clearly designated spaces for car share use shall be provided.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and good urban design.

11. All of the communal parking areas serving the apartments shall be provided with electric vehicle charging points, to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

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

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

13. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the Planning Authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the Planning Authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

**Reason:** To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

14. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement proposals for public art within the development. The public art shall be chosen and approved by an accredited art curator on behalf of and provided at the cost of the developer and shall accord with National Policy on Public Artworks and shall be installed within a timeframe agreed with the planning authority.

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

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

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

16. Details of all external signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

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

17. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external

plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

18. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour and noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

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

19. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

**Reason:** In the interests of amenity and public safety.

20. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 17.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

21. Proposals for an estate/street name(s), apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, all estate and street signs and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the Planning Authority. No advertisements, marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name(s)

**Reason:** In the interest of urban legibility and to ensure the use of local appropriate place names for new residential areas,



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

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

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

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

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

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

25. A final Site Specific Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the Planning Authority at least 5 weeks in advance of site clearance and site works commencing.

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

26. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the *“Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”*, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

27. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking for construction traffic, parking/compound for plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of public safety and residential amenity.

28. As the car park and under podium services as well as the access and egress arrangements are shared facilities that relate to each block, no block shall be segregated by sale or letting from the approved right of access and egress and use of the shared service elements that relate to it, whether constructed or yet to be constructed.

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

29. Prior to the commencement of development the applicant shall contact the Irish Aviation Authority in relation to all crane operations, with a minimum of 30 days prior notification of their erection. Details of a suitable marking and lighting scheme as agreed with the Irish Aviation Authority shall be submitted to the planning authority prior to the commencement of construction. Additional information regarding crane type (tower, mobile), elevation of the highest point of crane, dimensions of crane, ground elevation and location co-ordinate shall also be required by the Authority to allow for an aviation safety assessment.

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

30. The applicant shall comply with the following requirements of Transport Infrastructure Ireland:
- a) The applicant shall ensure that there is no adverse impact on Luas operation and safety. The development shall comply with TII's 'Code of Engineering Practice for Works on, Near or Adjacent to the Luas Light Rail System'.
  - b) The applicant shall submit a Construction Management Plan to TII and the planning authority for written agreement prior to the commencement of development. The plan shall identify mitigation measures for existing operational Luas infrastructure.
  - c) Tram signal priority at the Luas junction with St. Raphaela's Road shall be maintained.

**Reason:** To protect the Luas and public safety.

31. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. The developer shall appoint a person with an appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified are implemented in full.

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

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

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

33. 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.

34. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme, made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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**Erika Casey**

**Senior Planning Inspector**

**20th February 2020**

## Appendix 1

<b>Observers</b>
Stillorgan Woods Residents Association
Seamus MacGabhann
Sean Dineen