



An
Bord
Pleanála

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

Inspector's Report ABP-305980-19

Strategic Housing Development

Demolition of existing 2 storey dwelling and ancillary buildings and the construction of a residential development of 192 no. apartments (and ancillary facilities).

Location

Balroy House, Carpenterstown Road, Castleknock, Dublin 15

Planning Authority

Fingal County Council

Applicant

Gleveagh Homes Ltd.

Prescribed Bodies

Inland Fisheries Ireland

An Taisce

Irish Water

TII

NTA

Observers 125 no. observations (Appendix A)

Date of Site Inspection 24th February 2019

Inspector Rónán O'Connor

Decision Quashed

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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.

2.0 Site Location and Description

- 2.1.1. The site has a stated area of 1.77ha and is located on Carpenterstown Road in Castleknock, approximately 200m north-west of the M50. On site is a large residential dwelling, Balroy House, and associated outbuildings. The dwelling is currently vacant. To the west and east the site is bounded by similarly large properties on relatively large plots. To the south of the site is a recently completed housing estate, Diswellstown, which is a predominantly two-storey housing, but also has apartment blocks up to 4 storeys in height. To the north, on the opposite side of Carpenterstown Road, are residential housing estates, Cottonwood and Park Manor.
- 2.1.2. St. Patrick's NS is c. 900m walk to the south west of the site. Castleknock Community College is a 1.5 km walk to the north and neighbourhood retail provision approximately 650m to the west. The subject site is a c. 1.1 km walking distance from Coolmine train station and c. 500 m from a No. 37 bus stop.
- 2.1.3. There are 2 no. vehicular access / egress points to Carpenterstown Road, one at the centre of the site frontage and the other at the western end of the road frontage. There is a substantial amount of mature trees on the site, particularly around the site boundaries. The hedgerow at the road frontage of the site forms the boundary between the townlands of Carpenterstown and Diswellstown.
- 2.1.4. There is a drainage ditch to the east that forms part of the eastern boundary of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of:

- The demolition of the existing 2 storey dwelling and ancillary buildings (c. 1,287 sq. m) and the construction of a residential development of 192 no. apartments (and ancillary facilities) in 5 no. 5 storey apartment buildings, comprising 67 no. 1 bedroom apartments, 104 no. 2 bedroom apartments and 21 no. 3 bedroom apartments (all apartments with balconies or terraces).
- Ancillary facilities (at ground floor of Block A) will comprise a creche (c. 174 sq. m), gym (c. 114 sq. m), residential amenity room (c. 40 sq. m) and security office (c. 22 sq. m);
- Vehicular access to the development will be from 2 no. junctions onto the Carpenterstown Road (including secondary access [exit only] at western corner of lands in reconfigured arrangement to existing access) - existing access to be closed and planted and relocated to eastern corner of lands on Carpenterstown Road (layout to facilitate future cycle route at northern boundary);
- 240 car parking spaces (82 surface car parking and 158 basement car parking); 180 no. basement cycle spaces (as well as bin storage and plant/stores at basement level) and 172 surface cycle spaces;
- Provision of landscaped areas, circulation, paths, attenuation and all ancillary site development works, single storey ESB substation, single storey bicycle and bin stores.

Key Figures

Site Area	1.77ha
No. of units	192
Density	c108 units/ha
Plot Ratio	24.1%
Site Coverage	0.99
Height	5 storeys
Communal External Amenity Space	5013 sq. m
Part V	20 units

Vehicular Access	2 no. junctions onto the Carpenterstown Road
Car Parking	240 car parking spaces (82 surface car parking and 158 basement car parking)
Bicycle Parking	180 no. basement cycle spaces; 172 surface cycle spaces;
Creche	174 sq. m.

Unit Mix					
Apartment Type	Studio	1 bed	2 bed	3 bed	Total
No. of Apts	n/a	67	104	21	192
As % of Total	n/a	34.9	54.1	11	100

4.0 Planning History

Subject Site

FW/12A/0054

- 4.1.1. Permission granted for a 151 bedroom 2 and 3 storey nursing home including modifications to, partial demolition of, and change of use of the existing 2 storey house to accommodate reception, social, consultation and treatment rooms; 2 story glazed links to 2 blocks; Block A (3 storey and part basement) accommodating chapel, mortuary, 77 bedrooms; Block B (3 storey) accommodating total 64 bedrooms, kitchen and ancillary facilities; 2 storey service annexe; demolition of existing caretakers dwelling and stables (single storey); modifications to existing entrances; 61 no. parking spaces. Subject to 13 conditions.

Extension of duration until 22nd December 2022 FW12A/0054/E1

Other Relevant SHD Applications

Windmill, Porterstown, Clonsilla, Dublin 15. (approximately 1.2km north-west of this site)

ABP Reference ABP-306074-19 – Current SHD Application - 211 no. apartments and all associated site works.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 13th June 2019 in respect of a proposed development of 196 no. apartments, crèche and gym. The main topics raised for discussion at the tripartite meeting were as follows:

1. Design and layout of development including retention of existing trees and hedgerows, in particular the hedgerow / townland boundary at the road frontage
2. Impacts on adjacent residential and visual amenities
3. Access and mobility
4. Site services
5. Any other matters

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 28th June 2019 (ABP Ref. ABP-304386-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act would constitute a reasonable basis for an application for strategic housing development.

5.3. Specific information was requested which is summarised below:

- Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on the visual and residential amenities.
- Tree Survey, Arboricultural Assessment and landscaping proposals.
- Daylight/Sunlight analysis.
- Traffic and Transport Impact Assessment.

- Rationale for the proposed car and cycle parking provision.
- Additional drainage details.
- Rationale for proposed childcare provision.
- Assessment of the capacity of schools in the area.

5.4. Applicant's Statement

- 5.4.1. The application includes a statement of response to the pre-application consultation (Statement of Response to An Bord Pleanála's Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

Item 1 – Photomontages

- Photomontages and cross sections have been submitted.
- Noted that separation distances to the south and east were increased after pre-planning meetings with Fingal County Council.
- Scheme steps down to 3 storeys along the southern boundary.
- Scheme includes internal setbacks to the central garden space/also prevents overlooking/ensures good daylight to the units.
- 1st and 2nd floor – principle windows face east and west/setbacks on 3rd and 4th floor/opaque windows screening to balconies.
- The scale and design have been carefully considered to retain and utilise woodland features on the site.
- Number of residential developments located to the south, within the River Valley and Canal Landscape Character Area.
- Landscaping details included with the application.

Item 2 – Tree Survey/Landscaping

- Tree survey report submitted.
- Development designed and sited around the existing mature trees in the centre of the site.
- Proposed basement located under buildings C, D and E to the south, to ensure retention of the trees.

- No large old trees of high amenity or conservation value are found within the site.
- Informal spaces created between Blocks B and C.
- Existing blockwork wall to the south will remain in situ.
- Existing category A trees to the north are to be protected/these trees will be infilled with native planting to reinforce this natural boundary.

Item No. 3 – Daylight/Sunlight Analysis

- A Sunlight/Daylight Analysis Report has been submitted.
- Shows amenity areas within the scheme exceed standards.
- Limited impact on dwelling to the east/no impact on dwellings to the north.
- Internal rooms achieve a 97.3% pass rate.

Item No. 4 – Traffic and Transport Impact Assessment

- Traffic and Transport Assessment Report Submitted.
- Proposed development will result in 7 arrivals and 39 departures during the AM Peak Hour/35 arrivals and 11 departures during the PM Peak Hour.
- TIA concludes that even with the conservative housing trip generation estimates, the impact is negligible.

Item No. 5 – Car and Cycle Parking Rationale

- Refer the Board to the TIA submitted.
- Parking strategy has been informed by the mix of dwellings, and also the broader context of car ownership, and the proposed parking is in line with Section 4.22 of the Design Standards for New Apartments.

Item No. 6 – Drainage Detail

- Drawings submitted/Engineering Services Report submitted.
- Refer the Board to Engineering Services Report submitted.
- Appendix H of this report outlines response to concerns of Fingal County Council.

Item No. 7 – Rationale for Childcare Facilities

- Social Infrastructure Assessment examines childcare provision in the area.

- Proposed development includes a 174m facility. Sufficient to meet the demand of 34 childcare spaces.

Item No. 8 – Assessment of School Capacity

- Social Infrastructure Assessment states the proposed development will generate demand for between 8 to 47 no. primary school places.
- Represents just 0.16% to 0.56% of the existing primary school places.
- Capable of being accommodated within the existing primary schools in the area.
- 4 no. secondary schools are identified in the area.
- New school with a capacity of 800 students is being proposed in the Blanchardstown West and Blanchardstown Village school planning area.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission 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’) (2009).
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019).
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009).
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. Local Policy

Fingal County Development Plan 2017-2023

Zoning

The subject site is zoned 'RS' - 'Provide for residential development and protect and improve residential amenity'. The stated vision for RS zoning is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Chapter 2 relates to the Core Strategy and Settlement Strategy. Objectives of particular relevance include;

Objectives SS15 – consolidate urban areas through infill and brownfield redevelopment; Objective SS16 – Examine possibilities of higher densities in urban areas adjoining Dublin City.

Chapter 3 relates to Placemaking. Objectives of particular relevance include;

Objective PM31 – Promotes high quality environments; Objective PM32 – have regard to DMURS; PM38 – Appropriate Mix; PM41 Encourage increased densities while protecting amenities; Objective PM44 – Development of underutilised sites; PM52 – minimum open space provision of 2.5ha per 1000 population;

Chapter 9 relates to Natural Heritage. The site is located within the River Valley and Canal Landscape Character Type, which is considered to have a high landscape value and high landscape sensitivity. The following landscape character objectives are relevant

Objective NH33: Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

Objective NH34: Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types;

Objective NH36: Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area.

Chapter 12 relates to Development Management Standards.

7.0 Statement of Consistency

7.1.1. 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 City Development Plan and I have had regard to same. The following points are noted:

National and Regional Policy

- Accords with the National Planning Framework (2018) (NPF), in particular with the principles of compact growth and the reinforcement of the country's existing urban structure.
- Accords with the NPF's core principles for housing delivery – in particular that the location of new housing be prioritised in existing settlements – and its objectives for the provision of homes at sustainable locations and increased residential density within settlements.
- Responds to the identified strategic need for a greater mix in the housing stock in urban areas.
- Will deliver much needed housing within the Metropolitan Area of the Greater Dublin Area in accordance with the aims of Rebuilding Ireland, and in particular Pillar 3, which seeks to build more homes – “to increase the output of private housing to meet demand at affordable prices.”
- In compliance with Specific Planning Policy Requirement 4 of the Urban Development and Building Height Guidelines (December 2018) which requires that developments meet the Sustainable Residential Development in respect of density, provides an appropriate mix of building heights and typologies and to avoid mono-type building typologies.

- Provides an appropriate density in compliance with the Sustainable Residential Development in Urban Areas (2009) at 108 units per hectare.
- Provides an appropriate mix in compliance with the Apartment Guidelines 2018 - proposal includes 34.8% 1 bedroom apartments, 55.7% 2 bedroom apartments and 11% 3 bedroom apartments.
- Accords with the Guidelines for Planning Authorities on Sustainable Residential Development (SRD) in Urban Areas (2009), and could be best described as an infill site (on greater than 0.5 hectares), within a public transport corridor (c. 1km from Coolmine Train Station) and also having regard to its location within the existing footprint of developed areas in the locality, with Diswellstown located to the south, and Park Manor to the north.
- Design intent is to protect the amenities of the adjoining neighbours and general character of the area and its amenities.
- Proposed development meets the 12 criteria contained within the Urban Design Manual (2009)
- The proposed apartments and associated communal spaces will conform to and exceed the standards set out within Sustainable Urban Housing: Design Standards for New Apartments (2018).

Fingal County Development Plan 2017-2023

- The proposed development accords with the relevant policies of the county plan's relevant development, management policies, including with respect to residential development, social infrastructure, green infrastructure, heritage and protection of the natural environment.

8.0 Third Party Submissions

125 no. submissions on the application have been received from the parties as detailed in Appendix 1 of this report. The issues raised are summarised below.

General/Principle/Nature of Development

- Request an Oral Hearing.
- Carpenterstown has experienced exceptional levels of development.

- Would change the nature of the area.
- Would make a lovely park/playing fields.
- Infrastructural deficits.
- No benefit to the community.
- Errors in the application documents including:
Demolition is proposed – not stated in application form; EIA screening makes false statements; wrong images in the Landscape and Visual Impact Assessment;
- All Part V are in one block/against principles of mixed housing/should be pepper potted throughout the scheme.
- Previous proposal for a nursing home would be far better suited to the area/would serve the community better.
- Proposed development does not comply with the National Planning Framework, Urban Development and Building Height Guidelines, Sustainable Residential Development Guidelines.
- Creates excessive demand though inappropriate density, unplanned social and economic infrastructure.
- Development of sites individually avoids certain obligations such as production of an Environmental Impact Statement or the provision of open space/recreational spaces.
- Applicant has not entered into any consultation with neighbouring estates.
- Severe shortage of nursing homes places locally/Residents Association did not object to proposals for the nursing home.
- Development is contradictory – stated that it is facilitating downsizing for elderly people while providing 352 cycle spaces for commuters.
- Concern that development will be short term lets by a vulture fund
- An Taisce has not been notified or consulted.
- SHD provisions do not override the obligations to notify bodies ordinarily in accordance with the Regulations.
- In the context of the Liffey Valley Special Amenity Area Order, the proposed NHA and the number of Natura 2000 sites at issues, submit that An Taisce should have been notified.

- Consider Dublin City Council/South Dublin County Council should have been notified
- NPWS should also have been consulted.
- Notifications did not make any reference to the SAAO or the pNHA.
- SHD process is at odds with the principles of the Aarhus Convention
- Board is required to conduct an SEA on a material variation of the Development Plan.
- Remind the Board to set aside/dis-apply provisions of national law in breach of EU law.
- Failure in the application materials to adequately provide the Board with sufficient information to enable it to assess the impact of the development.
- 10 year permission sought provides for further uncertainty in relation to the timing of this development – is contrary to what the SHD provisions are intended to facilitate.
- Must refuse permission or seek substantial further information.
- Proposal is a material variation of the Fingal County Development Plan/Application has failed to alert the public to the material variation/arguably served to mis-direct the public significantly
- Public has been inadequately informed in respect of a Judicial Review.
- Aware of Section 28 Guidelines – enable Board to apply densities and heights consistent with the guidelines – required to flat the material variation however
- The gym is not considered to be a permissible use.
- Proposal cannot be considered to be consistent with the RS zoning for the site.
- Important distinction between the RA and RS zoning type – proposed development would be more consistent with the RA type zoning.
- ABP should reduce the height, density, visual and environmental impact
- Proposal would materially contravene the Development Plan in relation to residential density and water treatment objectives of the County Development Plan.

Social Infrastructure

- Insufficient amenities in the area to service the development.
- Insufficient school/crèche capacity in the area.

- Would impact on the social cohesion of the area.
- No guarantee crèche will be opened.
- Errors in the social infrastructure report relating to schools in the catchment area/capacity of existing schools
- Census data shows high demand for school spaces - 18% of families with early school/15% with pre-adolescent children. – evaluating this application on the basis of national averages is flawed.
- Medical centre is at capacity
- Applicant should prepare a concept plan to take account of future development on adjoining sites.
- Not credible that a small gym is viable in this development.
- Welcome delivery of the crèche – should be conditioned to ensure that crèche is operated and not subsequently changed to residential use.

Residential Amenity

- Will lead to overlooking/loss of privacy/loss of visual amenity.
- Reports do not correctly account for neighbouring windows.
- Separation distances are inadequate.
- Overshadowing assessment does not account for the winter period.
- Insufficient detail in relation to maintenance of trees bounding property/adequately protected during construction works/existing mature trees provide effective screening/required to ensure privacy/condition should be imposed in relation to tree protection measures.
- Proposal would overshadow most of the houses in Cottonwood/some of the houses in Park Manor.
- Will overlook neighbouring gardens/screening to balconies will provide no additional privacy/children currently play in rear gardens/additional trees will take years to mature.
- Stepback is insufficient to ensure privacy
- Noise levels of traffic.
- Impact of basement construction on adjoining properties/previous development. had to use explosives to remove bedrock.
- Visual impact has not be adequately considered.

- Proposed development will have a lack of light as each block would overshadow the other/ground floor apartments would be lacking in light/would result in loss of trees.
- Proposed views show trees in full leaf cover.
- More relevant viewpoint is from Diswellstown Way – view is going to be a brick wall.
- Future occupiers of apartments facing west will not get sunlight due to large trees on the adjacent site.
- Daylight and Sunlight Report demonstrates that 14 units have daylight significantly below the permitted limit.
- Apartments in Block C very close to boundary/will be dark and dank.
- Proposal will tower over existing houses.
- No monitoring system in place to ensure no damage is caused by the construction works.
- Noise and light pollution.
- Disruption during the construction period.
- Insufficient photomontages/inaccurate photomontages/has not shown the worst cases.
- Shadow analysis does not outline the existing circumstances on the ground – therefore a full assessment has not been carried out.

Transport

- Site is 1.3km from Coolmine Station/600m+ from the nearest bus stop.
- Rail service is infrequent/already over capacity.
- Very limited parking on site/overflow onto neighbouring estates.
- Proposed entrances would create a traffic hazard.
- Existing roads are congested/Impact on traffic levels/will lead to congestion/traffic analysis misrepresents actual traffic volumes on Carpenterstown Road/survey date of 13th December meant traffic volumes were light/Thurs is a light traffic day /only monitored for a single day/2018 figures uses/does not take account of planned/pre-approved developments.

- Development will result in a traffic hazard/no Road safety audit has been submitted. Access to M50 is only possible via Blanchardstown Village (4km) or Castleknock (4km).
- Upgrades to Carpenterstown Road are needed.
- Two adjoining sites have been sold/proposal needs to reflect other proposals.
- Train service is at capacity/new carriages not due until 2027.
- No cycle infrastructure in the area.
- Private car use is by far the primary mode of transport in the area.
- Crèche would attract traffic from outside area.
- Development is premature pending much needed improvement to public transport infrastructure.
- Traffic report does not take account of new developments, including Hamilton Park and Crofton Hall.
- Bus commute times to the city centre are lengthy.
- Traffic modelling does not assess the critical link roads to the M50 including Parklodge Road, Castleknock Road and Auburn Avenue.
- Number of serious accidents along Carpenterstown Road.
- Speeding along Carpenterstown Road.
- ABP need to ensure that the cycle path is put in place prior to the opening of the development.
- Should link to adjacent sites to rationalise entrances and exits onto Carpenterstown Road.
- Capacity of rail transport should be taken into consideration.
- Data shows that 57% of residents in St. Mochta's Parish (Diwellstown-Porterstown-Clonsilla Village) commute by driving.
- Claim that higher densities are supported by public transport is not sustainable.
- No proposals to address overspill parking in neighbouring estates.
- Proposals to increase capacity on rail services unlikely to materialise before 2035.
- Bus connects will not increase frequency or capacity on buses/commute times.
- No local bus to the business parks on the other side of the M50.
- Developer has understated the impact of their specific proposal on the immediate local infrastructure.

- Gap in the footpath infrastructure along road – not shown developer's drawings.
- Planning precedents do not justify the car parking ratio sought.
- TIA does not considered the junction between Junction 4 and 5 - this frequently backs up to Junction 4.
- Vehicle conflict with junction opposite the site.
- Location of accessible parking.
- Sightlines - Speed survey should have been carried out to validate the Y distance/existing vegetation will cause screening.
- TIA is fatally flawed for a number of reasons including *inter alia* queue length surveys are not available, Bus Connects/Dart Expansion do not have permission, shortage of cycle infrastructure, trip generation appears to be extremely low, impact of crèche and gym, impact of surrounding developments, performance of existing junctions not considered.

Height/Density

- Does not respect the character of the area in terms of form, height and density.
- Site is not a brownfield site.
- More correctly characterised as 'greenfield' and 'outer suburban'.
- In such areas the target density is 35-50 dwellings/ha.
- Adjoining property is 2 storey in height/far lower densities.
- Applicant has not justified the proposals in light of the Building Height Guidelines.
- Proposal will set a precedent for scale and density.
- Height is not consistent with the Diswellstown Action Area Plan.
- Density should be reduced to 35-50 dwellings/ha.
- Should have a variety of building heights - a mix of 2, 3 and 4 storeys.
- Overdevelopment of the site.
- Higher density should be beside transport nodes or corridors/no justification for the density in this instance.
- Objective DMS39 refers to infill – proposed development materially contravenes this policy.

Mix

- Demand is for family sized units/Should provide a greater mix of units.

- Inappropriate housing mix – 1 and 2 bed units make up 89% of the available units. Youngest cohort of the Castleknock – Knockmaroon electoral division requiring school and childcare places makes up 30% of the population.
- Age Cohorts used by the applicant are not the same cohorts as used by the CSO.
- 19-64 year old cohort accounts for 66% of the population.
- Not a large amount of the population in the area looking to trade down to apartments.

Open Space

- Deficit of green spaces/no communal space for the wider community.
- Other apartment blocks in the area have plenty of open spaces – this is not the case for this development.

Environmental Impact Assessment

- Foul water system is overcapacity/frequent spills into Dublin Bay/Protected under European Law (SAC No 000206 and 000210) /additional foul water would worsen the situation/EIAR screening report fails to address this potential impact.
- Misleading information in the EIA Screening report.
- No reference to EIA or AA screenings in the Inspector's pre-application reports, Board Order or Direction.
- EIA Screening Report is reliant on the Irish transposition of the 2014/52/EU Directive which is flawed in the 2018 regulations introduced.
- Necessary reports have not been furnished to support the screening determination.
- Inspector's report highlights a hydrological connection between the site and the River Liffey.
- Board needs to address the obligations of the Water Framework Directive.
- Needs to be considered a wider urban development project – spliced into sub-threshold applications. – urban development project as a whole together with the cumulative impacts need to be considered.
- Lack of adequate assessment on water quality impacts on the River Liffey.
- Inadequate consideration given to otters.

- No clarity established in relation to bat roosts in trees – trees which provide roosts are protected/impact of lighting on bats/ no evidence of a derogation licence.
- Removal of hedgerows needs to be considered for EIA purposes also.
- Inadequate consideration given to health impacts – i.e. drinking water.
- Cumulatively surrounding projects trips the threshold for mandatory EIA.
- Conclusions in the EIA Screening Report cannot be supported/Misleading assertions in the screening report.
- Impact on the unnamed stream on the site.
- No consideration is given to the Liffey Valley Special Amenity Area Order (SAAO)/pNHA in the EIA Report

Appropriate Assessment

- Impacts of the development on Natura 2000 sites, protected species, wider biodiversity and water quality.
- Mitigation has been incorrectly included in the screening out of AA contrary to 'People over Wind' judgement.
- Uncertainty over delivery of improvements to Dublin Waste water /capacity shortfalls.
- AA screening has not achieved the standard of certainty required to dispense with full AA.
- Upgrades to the Ringsend Plant will still be inadequate/plant at Clonsilla was authorised in 2019/has not yet begun/will take years to complete.
- Objective WT04 – permission may only be granted if temporary treatment plants are provided.
- AA is required to assess the impacts on Tolka and South Dublin Bay SPA/North Bull Island SPA.
- Conclusions of AA screening are incorrect.
- Will impact on species/habitats/birds as a result of overflow from the Ringsend Plant.
- Ringsend Plant is breaching its emission limits by over 100%.

Ecology

- Methodology of the Ecological Impact Assessment is flawed.

- In relation to bats no permissible to grant permission on the assumption that a derogation licence would be granted under a separate system of consent.
- Impacts on birds/not possible to conclude that Article 5 of the Birds Directive will be respected.
- Public lighting report is adequate/no consideration of effect on bats.
- Habitat surveys were carried out in December and April/surveys should be carried out between late March/early April and mid-October.
- Site is located on a locally important aquifer with a groundwater vulnerability of high/well is adjacent to the southern boundary of the site.
- Site is located in a Highly Sensitive Landscape as defined in the Development Plan.
- Existing high landscape value and high landscape sensitivity.
- Additional planting will need to be cleared to facilitate development/proposed cycle land.
- Impacts on ecology including foxes, badgers, bat and bird species.
- Impacts from lighting.
- Removal of 79 trees/not insignificant.
- Impact of the proposed development on the existing watercourse.
- The 3 no. Lombardy Poplars add to the visual amenity of the area/Categorisation of trees in the tree survey is incorrect/should be categorised as Category A trees/no evidence to support their removal/If ABP are minded to approve development, these trees should be retained by way of condition.
- 50% of the trees proposed to be removed and not replaced.

Site Services/Flooding

- Insufficient capacity of foul water infrastructure.
- Increase in hardstanding has potential to increase peak flow and volume of the stormwater run-off, and increase flooding downstream.
- Siltration and maintenance issues of proposed SUDs elements.
- Infiltration tests were insufficient.
- Soil type means that significantly larger attenuation is required.
- Current recommendations suggest an increase of 40% allowance for climate change.

- Proposed drainage does not take account of the Board's recommendations regarding SUDs measures.
- Irish Services Water Report and Report from Fingal are not available on the developer's website.

Health

- Pollution levels from M50/removal of trees will increase levels/air quality assessment required.
- Impact on health from traffic fumes.
- Impact on drinking water/treatment plant has insufficient capacity for the population using it.

Rights of Way

- Existing right of way to Winterwood from the Carpenterstown Road
- Submitted plans show the linkage to Winterwood Road being replaced by planting.
- Requests that ABP seeks the retention of the right of way by condition to any grant of permission.

Other

- Crime - Issues with crime in the area/ Insufficient Garda in the area.
- Given the elevation and height of the proposed development, will impact the views within and across the Liffey Valley/in particular at night from illumination.
- Reduction in property values
- Concerns in relation to emergency vehicle access

Submitted attachments include: EPA Wastewater Discharge Licence Technical Amendment A; EPA site visit report; EPA Wastewater Discharge Licence Technical Amendment B; Waste Water Discharge Licence; Waste Water Discharge Licence Clerical Amendment C; Assessing Recent Trends in Nutrient Inputs to Estuarine Waters and Their Ecological Effect.

9.0 Planning Authority Submission

- 9.1. Fingal County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per

section 8(5)(a)(i). 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.

General/Principle

- Site is within the Blanchardstown Development Boundary and is considered to be a suburban/edge site.
- Represents an opportunity for substantial infill development.
- 2016 census data that public transport only accounts for 12 % of trips in the Castleknock-Knockmaroon ED.
- Principle of proposed development is in accordance with the core strategy of the Development Plan.
- Density is at the high end of what the site, the area and the proposed development could accommodate.
- Adherence to minimum standards has result in a development that does not meet the aspirations of Fingal Co. Co. for a development of this sort.
- A level of redesign, including a reduction in density would be necessary to mitigate against a number of potential negative impacts.
- Density is at the high end of what the site can accommodate with particular reference to the reasonable protection of amenities and character of the area.
- Has not adequately demonstrated capacity of social infrastructure with particular reference to school capacity.
- Considered to be inside the margin of what can be considered a public transport corridor for the purposes of the Urban Development and Building Height Guidelines (2018)/An Intermediate Urban Location for the purposes of the Design Standards for New Apartments (2018).
- Concern as to the extent to which the proposal seeks to alter the established character of the area/will set a precedent for future development of adjacent sites.

- ABP should be mindful as to the sensitivity of this transition/how well the proposal would contribute to the area/its contribution to the streetscape along this roadway.
- Limited indication of future connections to the sites to the east and west/relationship between the proposal and the surrounding context remains inadequately explored.

Layout

- Not compliant with SPP3 of the Urban Development and Building Height (2019).
- PA consider that the visual impact will be greater than slight.
- Impact on the wider amenity will be significant.
- PA consider that the front boundary of the site should be retained and proposals designed around them.

Movement and Transportation

- There are capacity constraints in the road, rail, bus and cycle infrastructure.
- Development, and the precedent it would set, would place additional demands on the road network and public transport services in the area.
- Notwithstanding, the subject site has a level of access to public transport and services greater than many places in and around the city, where significant amounts of new housing could be provided.
- The extent to which the transportation capacity constraints and the timescale in which it is proposed to resolve them will be a critical consideration for An Bord Pleanála in this case.
- The extent to which the proposal will impact on existing public transport infrastructure is a factor of the density proposed.
- Extent to which the proposal is acceptable in the context of the existing and proposed capacity is a determination to be made by ABP.

Social Infrastructure

- Significant constraints in relation to schools and childcare have been raised in submissions/views of elected members/is evident that there is a constraint in this regard.
- Section 4.3 of the Sustainable Residential Development Guidelines is relevant in this regard.
- Deficit in secondary school provision in the wider catchment of this site.

Development Standards

- Separation distances between opposing balconies in blocks C and D, and, D and E, fall below the 22m prescribed in objective DMS28 of the CDP.
- Separation distances from property boundaries remain at the lower to limit of acceptability.
- Complies with SPP3 – floor areas; SPPR 4 – aspects; SPPR 5 – ceiling heights; SPPR 5 – no. of apartments per core.
- EIA Screening and AA screening report identify no potential impacts of concern.
- Designation of the front and rear boundary of the site on Map 15 of the Fingal CDP as an Annex 1 habitat has been identified as a labelling error by the biodiversity officer of Fingal Co. Co.

Other Issues

- Design of the proposed buildings achieves an acceptable standard
- As do the landscaping proposals for private and public open spaces.
- Palette of materials is of high quality.
- Concern in relation to breakout of sound from the gym.
- Security of basement cycle parking a concern/position of the surface bike stores not integrated within the apartment buildings.
- Glazed screen required on balcony of apartment 4.3E.

Planning Conditions and Reasons

29 no. conditions are recommended if the Board considers it appropriate to approve the application. Those of note include:

Condition 2 – Financial contribution in lieu of shortfall of Public Open Space – used toward upgrading in Porterstown Park.

Departmental Reports

Transport

- 4.5m junction radii would be considered practical.
- Not clear if ramp access exceeds 7%.
- Option A is the preferred option in relation to the northern boundary of the site.
- No development should take place within the space from the existing road side kerb edge to the back of the proposed cyclepath/footpath on the preferred option.
- Option A is the preferred option in relation to the set-down for the crèche/can be used for visitor parking outside of crèche hours.
- Parking provision is in accordance with Development Plan Standards – a minimum of 213 spaces should be kept for the exclusive use of the residential units/remainder to address the crèche and visitor parking requirement.
- Cycle parking is in compliance with national standards.
- Methodology of the TIA appears reasonable.
- No objection to proposal subject to conditions.

Parks and Green Infrastructure

- Financial contribution in lieu of shortfall of Public Open Space – used toward upgrading in Porterstown Park.
- Proposed communal/semi-private open space and associated play provision are acceptable.
- Option A is the preferred option in relation to the protection and retention of the townland boundary.
- Recommend conditions.

Water Services

- Foul – Statement of Design Acceptance from Irish Water/legal consent to connect to sewer may be required.

- Surface – Sufficient SuDS are being provided/percentage of green roof area is low.
- Water Supply – Statement of Design Acceptance from Irish Water.
- Flood – FRA is acceptable and in accordance with the Planning System and Flood Risk Management Guidelines.

Elected Members

9.1.1. A summary of the views of elected members as expressed at the Area Committee (Services B) Meeting at the meeting on 5th December 2019 is included in the Chief Executive's Report and is reproduced below:

- Proposed development is fundamentally flawed, it will not lead to the creation of a sustainable community.
- Density is too high.
- Scale and height is excessive in the context of surrounding development.
- Detrimental to residential amenity.
- No capacity within existing or proposed transport infrastructure.
- No capacity in schools or childcare in the area.

10.0 Prescribed Bodies

Inland Fisheries Ireland

- Surface water management measures must be implemented at the construction and operational stages to prevent any pollution of the Liffey Valley Catchment.
- Maintenance policy should include regular inspection/maintenance of SUDs infrastructure/Petrol/Oil interceptors.
- All construction should be in line with a site specific Construction Environmental Management Plan.
- Essential that local infrastructure capacity is available to cope with increased foul and storm water generated by the proposed development/Ringsend Wastewater Treatment Plant is currently overloaded/while additional capacity is under

construction any additional loading to the current plant is premature until the upgrade is completed.

NTA

ABP should give consideration to the following:

- Road network – will give rise to an increased number of cycle and pedestrian trips/adjacent road network does not provide for an increased usage of these modes in terms of crossings or in terms of through movement.
- Wider pedestrian and cycle environment – the connections from the site in all directions, in particular towards the Neighbourhood Centre, Castleknock College and St. Patrick's National School.

Irish Water

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

Transport Infrastructure Ireland

No observations to make.

An Taisce

- Submit that the application should have been referred to An Taisce
- Site lies within an area designated as Highly Sensitive Landscape in the Fingal County Development Plan
- Without certainty in relation to the potential connection of the drainage ditch to the stream, the downstream ecological impacts cannot be adequately assessed.

11.0 Screening

11.1. Environmental Impact Assessment (EIA) Preliminary Assessment

- 11.1.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

- 11.1.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening (Environmental) Report (dated October 2019) and I have had regard to same. The report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.
- 11.1.3. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 11.1.4. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment
- 11.1.5. The proposed development involves 192 residential units and ancillary facilities on a 1.77ha site in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. It is not a large-scale project and there are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The boundary of the Liffey Valley pNHA, and the boundary of the Liffey Valley & Howth SAAO (Special Amenity Area Order), are approximately 400m south-east of the site at the closest point. The site is sufficiently removed from these sensitive sites, and other sensitive sites beyond, to ensure that no likely significant effects will result. The proposed development is not likely to have

a significant effect on any Natura 2000 site (as per the findings of section 11.2 of this report).

11.1.6. Having regard to;

- (a) the nature and scale of the proposed development, in an urban area on a site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is, therefore, considered that an environmental impact assessment report for the proposed development is not necessary in this case.

11.2. **Appropriate Assessment**

11.2.1. An Appropriate Assessment Screening Report (dated September 2019) was submitted with the application. I have had regard to the contents of same. This report concludes that the possibility of any significant effects on any European Sites arising from the proposed development, whether considered on its own or in combination with the effects of other plans or projects, can be excluded beyond reasonable scientific doubt.

11.3. **The Project and Its Characteristics**

11.3.1. See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected - Stage I Screening

11.3.2. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity is predominantly residential in nature.

11.3.3. EPA mapping indicates that there is a stream located approximately 250m to the eastern boundary of the site. This runs north-south and joins the River Liffey approximately 1km south of the Carpenterstown Road.

11.3.4. There is a drainage ditch on the eastern boundary of the site, in which water was present at the time of my site visit. I note that this followed a period of heavy rainfall. From a visual inspection on site it was not evident that this formed an overground/culverted hydrological connection to either the stream noted above or to another waterbody. There is no other evidence on the application file, or from other relevant sources, that this forms either a direct or indirect surface water hydrological connection to the River Liffey.

11.3.5. I have had regard to the potential zone of influence as identified in the submitted Appropriate Assessment Screening Report which identifies the following 7 no. Natura 2000 sites within a 15km radius of the proposed development site:

- Rye Water Valley/Carton SAC (001398) – 7.19km from site
- South Dublin Bay SAC (000210) – 11.78 km from site
- Glenasmole Valley SAC (001209) – 12.48 km from site
- North Dublin Bay SAC (001209) – 13.24km from site
- Wicklow Mountains SAC (002122) – 14.80 km from site
- South Dublin Bay and River Tolka Estuary SPA (004024) – 10.14km from site
- North Bull Island SPA (004006) – 13.23km from site

11.3.6. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie)¹. While I note the sites listed above, I consider that the following sites lie within the zone of influence of the project:

- South Dublin Bay and River Tolka Estuary SPA (004024);
- South Dublin Bay SAC (000210);
- North Bull Island SPA (004006) and;
- North Dublin Bay SAC (000206).

¹ Accessed 27/01/2020

The sites listed above are considered to be within the zone of influence due to surface water and wastewater pathways ultimately leading to Dublin Bay, with potential impacts on these sites.

I do not consider that the Rye Water Valley/Carton SAC (001398), the Glenasmole Valley SAC (001209), the Wicklow Mountains SAC (002122) or any other Natura 2000 sites to fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

Table 10.1 Natura 2000 Sites within 'Zone of Influence' of the Project.

Site (site code)	Distance from site	Qualifying Interests/Species of Conservation Interest
South Dublin Bay and River Tolka Estuary SPA (004024)	10.2km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162]

		<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>
South Dublin Bay SAC (000210)	11.8km	<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>Embryonic shifting dunes [2110]</p>
North Bull Island SPA (004006)	13.3km	<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>
<p>North Dublin Bay SAC (000206)</p>	<p>13.3km</p>	<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 (Glauco-Puccinellietalia maritimae) [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>
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Potential Effects on Designated Sites

11.3.11. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'.

11.3.12. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. For the North Dublin Bay SAC, specific conservation objectives have been set for the habitats of qualifying interest and they relate to habitat area, community extent,

community structure, community distribution, physical structure, vegetation structure and vegetation composition within the qualifying interest (NPWS, 2013).

- 11.3.13. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space (NPWS, 2015a & b).
- 11.3.14. At its closest point the site is over 10.2km away (as the crow flies) from the boundary of the Natura 2000 areas within Dublin Bay. In reality however, this distance is greater as hydrological pathways follow the course of the drainage network to Dublin Bay. Because of the distance separating the site and the SPAs/SACs noted above, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs/SACs.
- 11.3.15. In relation to the construction phase, potential pollutants include silt and hydrocarbons/chemicals, given that construction works typically generate fine sediments and could also generate result in accidental spills of oils and other toxic chemicals. It is unlikely that these would enter the unnamed watercourse that is located 250m to the east, given the lack of an apparent hydrological connection to same, and the distance from the stream from the site. However should this happen, it is likely that such pollutants would be significantly diluted by the point of discharge into Dublin Bay, given the distance involved and the volume of water relative to the volume of likely pollutants, and therefore likely significant effects on the coastal sites listed above can be ruled out, having regard to the sites' conservation objectives.
- 11.3.16. During the operational phase of the development, there main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, rainwater will either percolate to ground in green areas, or will be collected in gutters/drains and discharged to local authority sewers. Foul water will be discharged to a local authority foul sewer. There is therefore an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP.
- 11.3.17. However, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend plant, and I am therefore satisfied that there is no likelihood that pollutants arising from the proposed

development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.

In Combination or Cumulative Effects

- 11.3.18. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP.
- 11.3.19. I note the submission from Inland Fisheries Ireland, and from a number of third parties, in relation to current and future capacity of the Ringsend WWTP.
- 11.3.20. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in the Castleknock Area, by the Fingal County Development Plan 2017-2023. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small residential development providing for 192 residential units on serviced lands in an urban area, and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing and associated Appropriate Assessment Screening. Similarly, I note the planning authority raised no Appropriate Assessment concerns in relation to the proposed development.
- 11.3.21. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

- 11.3.22. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which

comprises a built-up urban area, the distances to the nearest European sites, and in the absence of either a direct or indirect surface water hydrological connection to the River Liffey, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

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

12.0 **Assessment**

12.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Height and Density/Urban Design and Layout
- Neighbouring Residential Amenity
- Residential Amenity/Residential Standards
- Traffic and Transport
- Flood Risk
- Site Services
- Ecology
- Trees
- Impacts on Landscape
- Social Infrastructure
- Other Issues

12.2. **Principle of Development**

12.2.1. The application site is zoned 'RS – Provide for residential development and protect and improve residential amenity'. In terms of the uses proposed these are supported by the zoning objective and as such are acceptable in principle. The Planning

Authority have raised no objection to the principle of a residential development on this site.

- 12.2.2. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site.
- 12.2.3. The vision for RS land use zoning objective is to ‘Ensure that any new development in existing areas would have a minimal impact on and enhance existing amenity’. As such, while a residential development is acceptable in principle, any such development needs to address impacts on surrounding amenity, which is considered in the relevant sections below.
- 12.2.4. The submitted cover letter with the application (dated 20th November 2019) states a ten year permission is being sought. However, the proposed development has been not been advertised for a 10 year permission. Notwithstanding same, I note that the Strategic Housing Legislation is a process to fast track the delivery of housing. The proposed development does not include the provision of any significant infrastructure and therefore in the event of any grant of permission, I do not consider it justifiable to permit a 10 year lifespan for the proposed development. In the interests of clarity, and if the Board are minded to approve the proposal, a condition limiting the permission to 5 years should be imposed.
- 12.2.5. I note the submission on behalf of the owner of the adjacent site ‘Winterwood’ in relation to the stated right of way through this site from this property, onto Carpenterstown Road. The submission states that regard should be had to this right of way and that the plans appear to show planting curtailing it. In this regard I note the provisions of section 34(13) of the Planning Act which states, a person is not be entitled solely by reason of a permission to carry out any development.

12.3. **Height and Density/Urban Design and Layout**

Height

- 12.3.1. The proposal consists of 5 blocks in total (Blocks A to E). Blocks A and B, located to the north of the site, are 5 storeys with the top floor set back. Blocks C and D are also 5 storey with the top two floor set back. These are located to the south of the

site. Block E, located to the south-east of the site is 5 storey with the top floor set back. There is an additional set back at 3rd floor level on the east elevation.

- 12.3.2. A large number of the submissions have raised concerns in relation to the height and it is stated that 5 storeys is out of character for the area, will dominate views and height should be varied and comprise of 2,3 and 4 storey buildings. A third party submissions also states that the density constitutes a material contravention of Objective DMS39, which refers to infill development. Elected Members have expressed concern in relation to the height, scale and density of the proposal.
- 12.3.3. The Planning Authority have not raised a specific concern in relation to the height.
- 12.3.4. The surrounding context of the site is predominately 2 storey detached dwellings although there are some examples of developments of 3 to 4 storey in height. Of particular note is the 3 and 4 story housing and apartment blocks in Bracken Park, approximately 230m to the east of the site, to the north of Carpenterstown Road. Diswellstown, a more recent residential development located to the south of the site, also has examples of 3 and 4 storey apartment blocks.
- 12.3.5. In relation to the issue of height, there are a number of relevant guidelines, prepared by the Minister under Section 28 of the Act, which are relevant. Of particular relevance are the Urban Development and Building Height Guidelines (2018) which state that there is a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility.
- 12.3.6. The subject site is located in a relatively accessible urban location and is located within 1.1km of the Coolmine Railway Station, which is on the Maynooth to City Centre (Connolly/Docklands/Pearse) line. A bus stop which serves the No. 37 Bus Route (Blanchardstown to City Centre/Wilton Terrace) is located approximately 500 m from the site. A large number of submissions have raised the issue of capacity on the train and bus network.
- 12.3.7. As such I consider that the principle of additional height, over and above the prevailing height is acceptable in this instance.
- 12.3.8. The Building Height Guidelines also state that, where higher buildings are being proposed, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies a number of criteria that relate *inter alia* to the accessibility of the site, integration with the

character and public realm, consideration of building form, incorporation of public spaces, maximising internal amenity and minimising impacts on surrounding residential amenity. As noted above, I consider that the site is well served by public transport infrastructure. Other issues are considered in the relevant sections of this report, as set out below.

- 12.3.9. In relation to the issue of a material contravention, I do not consider that the proposal materially contravenes the objective cited above (DMS 39), which states *inter alia* that development should respect the height and massing of existing residential units. The Planning Authority have not stated the proposal is a material contravention of any policy or objective of the development plan.
- 12.3.10. Having regard to the considerations above, I consider that that, in principle the height as proposed is acceptable, having regard to overarching national policy, and subject to the detailed considerations as set out in the remainder of this report.

Density

- 12.3.11. The proposed density is 108 units/ha. The Planning Authority state that this is at the high end of what the site can accommodate.
- 12.3.12. A significant number of submissions have stated that the density is excessive and represents an overdevelopment of the site, and cite the lack of available capacity within the existing transport infrastructure. It is stated that an appropriate density is 35-50 dwellings/ha.
- 12.3.13. In relation to density, policy at national, regional and local level seeks to encourage higher densities in key locations. In particular, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 12.3.14. Also of note are Design Standards for New Apartments Guidelines for Planning Authorities (2018) which defines the types of location in cities and towns that may be suitable for increased densities. The current site falls within the category of an 'Intermediate Urban Location', given its location within 1.1km of the Coolmine Railway Station. The guidelines noted that such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may

wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net). The guidelines also note that the scale and extent of development should increase in relation to proximity to public transport as well as shopping and employment locations.

12.3.15. It is my view that, given the site's location relatively close to Coolmine Station, the density is not excessive. The site just falls outside the category of a 'Central/Highly Accessible Location' as defined in the apartment guidelines, and as such is relatively well served by public transport.

12.3.16. I do not consider that a density of 35-50 dwellings/ha, as suggested by third party submissions, is appropriate in this instance, given the need to deliver sufficient housing units, the need to ensure efficient use of land and the need to ensure maximum use of existing and future transport infrastructure.

12.3.17. However, the acceptability of this density is subject to appropriate design and amenity standards, which are considered in the relevant sections below.

Urban Design/Layout

12.3.18. The proposal sets out two options in relation to the front hedgerow boundary, which relate to the proposals for cycle lane along Carpenterstown Road, and the impact of same on the front hedgerow boundary.

12.3.19. Option A seeks to retain the majority of trees set within this existing hedgerow boundary, infill the boundary with planting and to construct a cycle path within the development. This is the Fingal County Council's preferred option as it the current northern boundary planting is considered to add to the character of the area.

12.3.20. Option B indicates a future cycle route running to the north of the site, alongside the existing footpath. This would necessitate the removal of many of the mature trees. However, replacement planting is proposed under this option.

12.3.21. In both options, the development is set back in behind the front boundary. While this approach can limit the contribution of the proposal to the creation of a strong urban streetscape, in this instance I concur with the view that the existing mature trees within the hedgerow contribute to the character of the area and as such the design approach can be supported. In this regard, Option A is the preferred option, having

regard to the visual amenity value of the northern boundary planting (the implications on cycle lane infrastructure is considered in the relevant section below).

12.3.22. In terms of the layout, the proposed blocks are arranged around an informal area of open space within the development, with a mix of spaces provided. I consider the general approach to the layout to be acceptable.

12.3.23. Future proposed pedestrian links to the east and west of the site will provide a greater level of permeability through the site than that which currently exists.

12.3.24. In terms of detailed design, the quality of finish and materials is considered to be high. The materials proposed are a brickwork and dark metal cladding for the external facades which will require little maintenance.

12.4. Neighbouring Residential Amenity

12.4.1. The development site is bounded to the immediate south by two-storey residential dwellings on Diswelltown Way. To the north, across Carpentertown Road, are two storey dwellings at Park Manor and Cottonwood. A large number of submissions have raised concerns in relation to the impact on surrounding residential amenity. Elected Members have also raised concern in relation to same.

Overlooking

12.4.2. A large number of submissions have raised the issue of overlooking, including overlooking of rooms within dwellings, and of rear gardens, in particular of those dwellings to the south Diswellstown.

12.4.3. Blocks C, D and E are located to the south of the site. Blocks C and D are located 12m from the southern boundary. The top two floors are set further back from the boundary and are located a distance of 21.4m from the boundary. The distance to the rear of the dwellings at Diswellstown is at least 28.5m. The top two floors of Blocks C and D have opaque windows facing south, and balconies are provided with opaque glazing to the southern end.

12.4.4. I consider that the setbacks as proposed are sufficient to ensure that no material overlooking will result from the development. I note also the substantial foliage to the southern boundary, which will provide additional screening, although I concur with the submissions that this will be less effective in winter months. Notwithstanding, I do

not consider that the properties to the south will experience a loss of privacy as a result of this development.

- 12.4.5. I consider that the setback from the properties to the north will ensure that these properties will not be overlooked.

Loss of Daylight/Sunlight/Overshadowing

- 12.4.6. A Daylight and Overshadow Assessment (dated 11th November 2019) has been submitted with the application. This considers *inter alia* potential overshadowing of neighbouring dwellings. It is concluded that there will be no impact on the dwellings to the north, and a very limited impact on the existing dwelling to the east of the site.

- 12.4.7. Given the orientation of the dwellings to the south of the site, relative to the proposed development, and having regard to the separation distance from these dwellings to the proposed development, there will be no loss of daylight or sunlight as a result of the proposals, or overshadowing of rear gardens.

12.5. Residential Amenities/Residential Standards

Daylight and Sunlight

- 12.5.1. A Daylight and Overshadow Assessment (dated 11th November 2019) has been submitted with the application. This considers *inter alia* potential daylight provision within the proposed scheme and overshadowing within the scheme.
- 12.5.2. In relation to daylight provision, the report concludes that 95.9% of the assessed rooms either meet or exceeded the minimum recommended ADF levels, with some of the kitchen-dining-living rooms (14 in total) marginally below the minimum guidelines. Amenity areas will meet sunlight standards.
- 12.5.3. It is my view, that where the guidelines have not been meet, the breaches are not material, and as such I conclude that the overall level of residential amenity is acceptable, having regard to internal daylight provision.

Communal Amenities

- 12.5.4. The proposal also includes a number of communal residential amenities such as a resident's gym, office and residents space, located at Ground Level in Block A. These amenities are considered to be a positive addition to the scheme.

Public and Communal Open Space

12.5.5. The total amount of open space is as follows:

- Communal Open Space - 5013 sq. m (2,348 sq. m. And 2,665 sq. m. landscaped podium).

12.5.6. The Third Party submissions have raised the issue of lack of open space. The report of the Parks and Green Infrastructure Division of Fingal County Council state that the proposed provision of communal/semi-private open space and associated play provision are acceptable. It is calculated that a Public Open Space provision of 0.83 ha is required as per Objective DMS57 of the Development Plan with a minimum of 10% of the site are being provided as public open space. Objective PM53 states that a financial contribution will be required in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable. In this instance, the Planning Authority has requested financial contribution in lieu of the shortfall in Public Open Space provision towards the upgrading of the recreational facilities in Porterstown Park.

12.5.7. The communal space provision, as outlined above, complies with the standards as set out in Appendix 1 of the Design Standards for New Apartments (2018). The quality of the open space is high and the communal open space within the development is well overlooked by the residential units and provides sufficient areas of play spaces for children.

12.5.8. All private amenity spaces in the development comply with or exceed the minimum required floor areas for private amenity spaces.

12.5.9. In relation to public open space, it does not appear that any of the spaces proposed could be defined as a public open space. I consider that any public open space provided would not be viable and as such a financial contribution as suggested by Fingal County Council, and as per Objective PM53, is appropriate in this instance.

Mix

12.5.10. The proposed mix of units is as follows:

- 67 x 1 bed (34.8%); 104 x 2 bed (55.7%) and 21 x 3 bed units (11%).

12.5.11. The applicants stated that the mix is appropriate and the focus on 1 and 2 bed units will meet market demand and falling household sizes.

12.5.12. The Planning Authority have not raised any objection to the mix.

12.5.13. I note the provisions of SPPR 1 of the Apartment Guidelines (2018) which state that Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

12.5.14. A large number of submissions have stated that the current demand is for family sized units and that the proposal should provide a greater mix of units. It is further stated that there is not a large amount of the population in the area looking to trade down to apartments

12.5.15. While only 21 no. 3 bed units are proposed, it is expected that the demographic for the proposed development will be comprised of smaller households. While I note the comments contained within the submissions, the development will also allow for downsizing, freeing up unused larger units in the vicinity. I consider the mix to be acceptable in this instance and is compliant with SPPR 1 as outlined above.

Floor Area

12.5.16. The apartments meet the standards as outlined in the Design Standards for New Apartments.

Dual Aspect

12.5.17. The applicant has stated that the number of dual aspect units is 106 no. units (54%), which exceeds the policy requirement of 50% in less constrained such as this one, as set out in Design Standards for New Apartments (2018). There are no north facing single aspect units.

12.6. Traffic and Transport

Public Transport Capacity

12.6.1. As noted above, a large number of submissions have cited concerns in relation to available capacity on both the commuter rail service to/from Coolmine Station and on the bus service. Elected Members have also raised concern in relation to transport infrastructure capacity.

12.6.2. The subject site is located within 1.1km of the Coolmine Railway Station, which is on the Maynooth to City Centre (Connolly/Docklands/Pearse) line. There is a frequent train service at this station with a frequency of up to 4 to 6 services per hour each way during peak times. A bus stop which serves the No. 37 Bus Route

(Blanchardstown to City Centre/Wilton Terrace) is located 500 m from the site. This is a relatively frequent service, running every 20 mins.

- 12.6.3. Information on the Irish Rail website details a number of investment programmes designed to increase capacity in the rail network. Of relevance to this line is the City Centre Resignalling Project which will allow more trains to operate on the lines, the Dart Expansion Programme which will deliver DART services on this line, as well as others, which will increase overall capacity. Investment in new rolling stock will provide an overall increase in peak commuter capacity of 34% on routes where they will be deployed.
- 12.6.4. Other proposed improvements in the locality include provision of a 30 min frequency bus services between Tallaght and Blanchardstown under the Bus Connects Scheme. A new cycle route is proposed along Carpenterstown Road to link with the wider cycle network as per the GDA Cycle Network Plan.
- 12.6.5. As such, while it is evident there is some constraint in capacity at peak times, there are definitive plans in place to deliver additional capacity on the public transport network, and to improve cycle infrastructure, which the proposed development, and the surrounding residential development, will ultimately benefit from.

Car Parking

- 12.6.6. It is proposed to provide 192 no. resident car parking spaces and 48 no. visitor car parking spaces. This is a car parking ratio of 1 space per unit. Justification for the car parking strategy is set out in the submitted Traffic Impact Assessment (TIA). This cites CSO data that shows high level of car ownership, but states that between 63% and 73% use the car for the daily commute, and many car parking spaces are used for car storage. The TIA states that the overall provision derives from a need to promote sustainable travel, to facilitate an appropriate level of car storage, to prevent overspill parking in surrounding estates as well as cost implications of basement construction and retention of trees.
- 12.6.7. A large number of submissions have raised the issue of parking, stating that insufficient car parking has been provided and that there will be overspill parking onto the surrounding residential housing estates.
- 12.6.8. Section 4.21 of the Apartment Guidelines states that in suburban/urban locations served by public transport or close to town centres or employment areas and

particularly for housing schemes with more than 45 dwellings per hectare net, planning authorities must consider a reduced overall car parking standard. The provision proposed here is below the maximum standards as set out in the Fingal Development Plan.

12.6.9. I do not consider that a car parking ratio of 1 space per unit would result in an overspill of parking in the surrounding residential housing estates. Overall, I consider the provision to be acceptable, given the location of the site, and the considerations and constraints as identified above.

12.6.10. Cycle Parking

A total of 352 no. cycle parking spaces are being provided which is 81% of the provision required by Section 4.17 of Design Standards for New Apartments (2018) which require a total of 434 No. spaces (338 resident and 96 visitor). I consider the overall provision appropriate.

Impact on the surrounding road network

12.7. I note a number of submissions have raised the issue of traffic congestion and state that the proposal would worsen the situation. The methodology and conclusions of the TIA have also been questioned.

12.8. The Transport Division of the Planning Authority raise no objection to the proposed development, in terms of its impact on the road network and are satisfied with the methodology and conclusions of the TIA.

12.9. The Traffic Impact Assessment considers the impact of the development on the surrounding road network. In summary this concludes that the increase in traffic as a result of the proposed development is less than 2.5% at all junctions considered during the A.M. peak hour and at all junctions with the exception of Junction 4 (Carpenterstown Road/Bracken Park Drive/College Gate) during the P.M. peak hour. Further analysis of Junction 4 show a negligible impact on DOS values and queue lengths. The proposed development entrance has been shown to operate well within normal capacity limits without the need for a right hand lane and will have no negative impact on the operation of the local road network.

12.10. While it is evident from the submissions received that there is traffic congestion in the area at peak times, having regard to the limited scale of the proposed

development, the mix of units proposed which is mainly 1 and 2 bed units, the reduced car parking ratio relative to Development Plan Standards, and to the contents and conclusions of the TIA, I do not consider the proposal would have a material impact on the surrounding road network, in terms of traffic volumes.

Cycle Infrastructure

- 12.11. As noted above, the proposal sets out two options in relation to the front hedgerow boundary, which relate to the proposals for cycle lane along Carpenterstown Road, and the impact of same on the front hedgerow boundary.
- 12.11.1. Option A seeks to retain the majority of trees set within this existing hedgerow boundary, infill the boundary with planting and to make provision for a future cycle path within the development. This is the Fingal County Council's preferred option as it the current northern boundary planting is considered to add to the character of the area. The Transport Division have also stated that Option A is the preferred option.
- 12.11.2. Option B indicates a future cycle route running to the north of the site, alongside the existing footpath. This would necessitate the removal of many of the mature trees. However, replacement planting is proposed under this option. There is no definitive timeline in place for the provision of a cycle path along Carpenterstown Road.
- 12.11.3. While the provision of a path that runs directly to the front of the site would be preferable in transport terms, other considerations also apply such as the preservation of the front boundary, which is supported by Fingal County Council. Option A will still allow for a link to any future provision of a cycle path along the southern side of Carpenterstown Road. Should the Board be minded to grant permission, a condition should be imposed requiring Option A to be implemented.
- 12.12. **Flood Risk**
- 12.12.1. A Flood Risk Assessment has been included as part of the Engineering Services Report submitted with the application (date 12th November 2019). This states that the site is not considered at risk from coastal or pluvial flooding and is located outside of Flood Zone A and B. The proposed surface water drainage system has been designed to ensure no flooding is experienced during rainfall events up to and including the 1% AEP, including a 10% intensity for climate change projections.

12.12.2. The Water Services Division of Fingal County Council have stated that the submitted FRA is acceptable and in accordance with the Flood Risk Management Guidelines.

12.12.3. Having regard to the above, and having regard to flood mapping (accessed at floodinfo.ie²), I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

12.13. **Site Services**

12.13.1. In relation to site services, an Engineering Services Report (dated 12th November 2019) has been submitted and I have had regard to same. It is proposed to separate the wastewater and surface water drainage networks and provide independent connections to the local public wastewater sewer and local surface water sewers respectively.

Surface Water

12.13.2. The proposed surface water drainage system is to consist of a gravity sewer network that will convey runoff from the roofs and paved areas to the outfall manhole, which will discharge a controlled flow rate to the public surface water drainage infrastructure at Carpenterstown Road.

12.13.3. Temporary underground attenuation is proposed to restrict discharge rates from the development's surface water drainage network to the greenfield equivalent flow rate. SUDs measures include pervious paving, pervious landscaping and green roofs.

12.13.4. I note the submission of Inland Fisheries Ireland in relation to surface water management measures and the need to ensure that these are implemented at construction and operational stages to prevent any pollution of the Liffey Valley Catchment.

12.13.5. No objection has been raised by the Water Services Division of Fingal County Council in relation to the surface water proposals.

12.13.6. Having regard to the above, I consider that the proposed arrangements for surface water are acceptable, subject to conditions.

Foul

² Accessed 29/01/2020

- 12.13.7. The Engineering report noted that there is an existing public 225mm wastewater network at Carpenterstown Road, adjacent to the north western corner of the site and Irish Water have confirmed the existing public wastewater infrastructure has capacity to take discharge from the proposed development.
- 12.13.8. The wastewater discharge from each block is to connect to a gravity pipe network prior to the outfalling to the existing public sewer to the northwest of the site.
- 12.13.9. The Water Services Division of Fingal County Council have not raised an objection in relation to foul water proposals and note the statement of design acceptance from Irish Water.
- 12.13.10. I note the submission from Irish Water stating that network connections can be facilitated.
- 12.13.11. Having regard to the above, I consider that the proposed arrangements for foul water are acceptable, subject to conditions.

Water Supply

- 12.13.12. It is proposed to connect a 150mm diameter watermain pipe from the development to the existing water main on Carpenterstown Road.

12.14. Ecology

- 12.14.1. A number of submissions have raised the issue of impacts on ecology, including *inter alia* impacts on birds, bats, otters and foxes.
- 12.14.2. An Ecological Impact Assessment (dated November 2019) has been submitted with the application.
- 12.14.3. The habitats recorded on site included improved agricultural grassland, amenity grassland (improved), buildings and artificial surfaces, flower beds and borders, ornamental/non-native shrubs, scrub, hedgerow and treelines. The Key Ecological Receptors were considered to be Hedgerows and Treelines, with high value hedgerow along the eastern boundary with the mature silver birch having the potential to support roosting bats.
- 12.14.4. No rare or protected flora were identified within the project site. Cherry Laurel, an invasive species, was recorded in the south-eastern section of the site.

- 12.14.5. No rare or protected mammal species were recorded during site surveys. It is noted that there is potential for hedgehog along the hedgerows on the east of the site. It is further stated that the drainage ditch located adjacent to the eastern boundary of the site could ultimately link to the River Liffey which provides a suitable habitat for otter.
- 12.14.6. No evidence of roosting bats was recorded during the roost inspection survey at the project site although the mature trees along the driveway have the potential to support roosting bats, as do the Poplars to the west of the site. The activity survey found that bat activity around the site was moderate to high with numerous recordings of Common Pipistrelle, as well as other bat species.
- 12.14.7. A total of 10 species were recorded on the site during the bird survey.
- 12.14.8. In relation to impacts on habitats as a result of the development, it is noted that the hedgerow and treelines of higher value within the site are proposed to be retained, with protection measures put in place, as detailed in the Arboricultural Method Statement. In relation to mammals, the retention of the hedgerow will limit the impact on hedgehog. Any impact on surface water run off on otter is unlikely.
- 12.14.9. In relation to bats it is noted that the retention of the trees and hedgerows will still allow for bat roosting. There will be a loss of some commuting and foraging habitat for locally occurring bats. The retention of the trees and hedgerow will go toward maintaining some bat foraging and commuting habitat. Impacts from lighting, in the absence of mitigation is noted. Overall impacts on foraging and commuting bats was considered to be slight.
- 12.14.10. In relation to birds, impacts was considered to be slight but was noted that clearance of vegetation should long be done outside the main breeding season i.e. 1st March to 31st Aug, in compliance with the Wildlife Act 2000.
- 12.14.11. It was not considered that the proposed development would result in any significant cumulative impacts on biodiversity in the area.
- 12.14.12. A series of mitigation and enhancement measures is set out within Section 7 of the report. These include *inter alia* roost inspection survey prior to any felling of mature trees, implementation of a construction method statement, implementation of SuDS measures and measures as contained in the Arboricultural Method Statement.

12.14.13. Overall it is concluded that, provided all mitigation measures are implemented in full and remain effective throughout the lifetime of the facility, no significant negative residual impacts on the local ecology or on any designated nature conservation sites, are expected from the proposed works.

12.14.14. I generally concur with the observation and conclusions contained within the Ecological Impact Assessment and I consider that the issues raised within the submissions, as relate to Ecology, have been adequately addressed. I do however note, and as stated previously in this report, that there is little evidence to support the conclusion that there is a surface water hydrological connection from the drainage ditch to the River Liffey. Overall, however, I consider that, subject to the recommendations of the Ecological Impact Assessment being carried out, I do not consider that the impact on ecology will be significant.

12.15. Trees

12.15.1. A large number of submissions have stated that the loss of 79 no. trees on the site will have a significant impact. A submission has stated the loss of three 3 no. Lombardy Poplars is unnecessary.

12.15.2. A Tree Survey Report (dated September 2019) has been submitted with the application. This states that 163 individual trees were assessed on the site. None were category A trees were recorded. 50 category B trees and 106 category C were recorded. The 3 no. tree groups and 5 no. hedges were graded category C. The three no. Lombardy Poplars were noted and it is stated in the report that these are not long lived trees and have already reached full maturity. It is stated that they are likely to decline in vitality and are no suited to long term retention within a high density environment.

12.15.3. It is stated that 79 trees and 2 no. hedges will be removed. Significant new tree planting will be undertaken as part of the landscape works to complete the new development. The potential for works to impact on the retained trees is noted and proper planning and enforcement is considered necessary. Section 9.2 of the report sets out a series of tree protection measures.

12.15.4. Subject to the measures as set out in Section 9.2 being put in place, I am satisfied the overall impact on trees will be minimised. These measures can be ensured by way of condition.

12.16. Impacts on Landscape

- 12.16.1. The site is located within the River Valley and Canal Landscape Character Type which is considered to have a high landscape value and high landscape sensitivity. Objectives NH33, NH34 and NH36 are of relevance and seek to limit the impacts of development on such landscapes.
- 12.16.2. A number of third party submissions have cited the impact on the landscape as a result of the development. I note also the submission from An Taisce which notes the landscape designation. The Planning Authority have not raised an objection in relation to landscape impacts.
- 12.16.3. A Landscape and Visual Impact Assessment has been submitted with the application. This concludes that the proposed development will not result in significant visual impacts in the context of the Liffey Valley High Sensitivity Landscape Designation or for receptors within its immediate context.
- 12.16.4. I note that the existing site has large residential dwelling and the site is surrounded by residential development of varying densities, and lies within an urban/suburban context. As such the introduction of residential development on the site will not have a significant impact on the landscape character. The preservation of much of the boundary planting and some of the trees within the site will help to soften any impacts on the landscape.

12.17. Social Infrastructure

School Capacity

- 12.17.1. A large number of submissions have raised the issue of the capacity of surrounding primary and secondary schools, and the impact of the proposed development on same. Errors within the Social Infrastructure and School Assessment Report as relates to schools within the catchment area and capacity of same are highlighted in the submissions. The Planning Authority has also stated that the applicant has not adequately demonstrated the capacity of social infrastructure including schools infrastructure.
- 12.17.2. The Social Infrastructure and School Assessment Report states that the proposed development is estimated to potentially require between 8-47 primary school places. This represents just 0.16%-0.56% of the overall (5,083) existing primary school

places identified within the report. Demand for secondary school places was calculated to be between 2 -12 places. The report concludes that this demand is capable of being accommodated within the existing schools in the area.

12.17.3. The report utilises the average household size (3.06) in the area to generate a demand for school places. The higher figure of 47 primary school places, and 12 secondary school places, includes all of the 2 and 3 bed units and assumes that demand is generated from all of these units. However, it is my view that the demand from the 2 bed units, which are greater in number than the 3 beds, would be less significant.

12.17.4. While I note the comments from third party submissions, in relation to application of national average household size to generate demand, and in relation to the lack of capacity within the area, given the nature of the proposal, an apartment development comprising mainly of 1 and 2 bed units, I do not consider that the demand for school places would be significant and any shortfalls in capacity would not be sufficient reason to refuse permission in this instance.

Childcare

12.17.5. The proposed development includes a 174m crèche facility located on the ground floor of Block A. Having regard to the provisions of the Childcare Facilities Guidelines this is considered sufficient to meet the demand of 34 childcare spaces.

Other Social Infrastructure

12.17.6. The Social Infrastructure and School Assessment Report identifies a wide range of other social infrastructure in the area including sports and recreation facilities and medical facilities. I note also that the site is within walking distance (approximately 500m) from retail and other facilities located to the north-west of the Carpenterstown Road/Diswellstown Road roundabout.

12.18. Other Issues

Archaeology

12.18.1. An Archaeological Assessment has been submitted with the application. It is stated that a field inspection failed to identify any previously unknown features of archaeological potential but it remains possible that ground disturbances may have an impact on previously unrecorded archaeological features or deposits. It is

recommended that a programme of archaeological testing be carried out prior to development. I am satisfied that the measures as recommended in the archaeological assessment can be required by way of condition.

Part V

- 12.18.2. The applicant has submitted Part V proposals comprising the allocation of 20 no units which is 10% of the proposed units. The submitted plans show all of the proposed Part V units within Block D. A number of third party submissions have stated that the Part V units should be 'pepper potted' throughout the development. The Planning Authority has not raised an objection to the Part V proposals. No formal response was received from the Housing Department to the application.
- 12.18.3. While I note the comments from Third Parties, I have had regard to the lack of objection from the Planning Authority in relation to the Part V proposals, and I consider the proposals adequately address the requirement for Part V provision. I recommend that a condition is attached in the event of permission being granted that requires a Part V agreement to be entered into.

13.0 Conclusion and Recommendation

The proposed residential, ancillary residential and crèche uses are acceptable in principle at this site with regard to the relevant RS Zoning, which seeks to 'Provide for residential development and improve residential amenity'. The provision of a higher density residential development at this location is desirable with regard its intermediate urban location and its proximity to high frequency transport services. In addition, the site is located in an area with a wide range of social infrastructure facilities. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable, subject to conditions. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be **GRANTED** for the proposed

development, subject to conditions, for the reasons and considerations set out below.

14.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20th Day of November 2019 by Glenveagh Homes Limited care of John Spain Associates, 38 Fitzwilliam Place, Dublin 2.

Proposed Development:

The demolition of the existing 2 storey dwelling and ancillary buildings (c. 1,287 sq. m) and the construction of a residential development of 192 no. apartments (and ancillary facilities) in 5 no. 5 storey apartment buildings, comprising 67 no. 1 bedroom apartments, 104 no. 2 bedroom apartments and 21 no. 3 bedroom apartments (all apartments with balconies or terraces) as follows:

Block A (5 storeys) comprises 38 apartments consisting of 16 no. 1 bedroom, 19 no. 2 bedroom and 3 no. 3 bedroom apartments;

Block B (5 storeys) comprises 41 apartments consisting of 16 no. 1 bedroom, 22 no. 2 bedroom and 3 no. 3 bedroom apartments;

Block C (5 storeys over basement) comprises 46 apartments consisting of 12 no. 1 bedroom, 31 no. 2 bedroom and 3 no. 3 bedroom apartments;

Block D (5 storeys over basement) comprises 31 apartments consisting of 7 no. 1 bedroom, 20 no. 2 bedroom and 4 no. 3 bedroom apartments;

Block E (5 storeys over basement) comprises 36 apartments consisting of 16 no. 1 bedroom, 12 no. 2 bedroom and 8 no. 3 bedroom apartments;

The facilities (at ground floor of Block A) will comprise a creche (c. 174 sq. m), gym (c. 114 sq. m), residential amenity room (c. 40 sq. m) and security office (c. 22 sq. m);

Vehicular access to the development will be from 2 no. junctions onto the Carpenterstown Road (including secondary access [exit only] at western corner of lands in reconfigured arrangement to existing access) - existing access to be closed and planted and relocated to eastern corner of lands on Carpenterstown Road (layout to facilitate future cycle route at northern boundary);

240 car parking spaces (82 surface car parking and 158 basement car parking); 180 no. basement cycle spaces (as well as bin storage and plant/stores at basement level) and 172 surface cycle spaces;

Provision of landscaped areas, circulation, paths, attenuation and all ancillary site development works, single storey ESB substation, single storey bicycle and bin stores, all on a site of c. 1.77 hectares, located on the Carpenterstown Road, Carpenterstown, Dublin 15.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the site's location within an area with a zoning objective that permits residential development in principle;
- (b) the policies and objectives of the Fingal County Development Plan 2017-2023;
- (c) The nature, scale and design of the proposed development and the availability in the area of a wide range of community, social, retail and transport infrastructure, including the rail service from Coolmine Station;
- (d) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) 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;
- (i) the nature, scale and design of the proposed development;
- (j) the pattern of existing and permitted development in the area,;
- (k) the submissions and observations received, and
- (l) the report of the inspector

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

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

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

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

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

3. This permission relates to 'Option A' only (relating to the future provision of cycle infrastructure along Carpenterstown Road) as detailed in the plans and particulars lodged with the application.

Reason: In the interest of clarity and in the interest of visual amenity.

4. The developer shall comply with all requirements of the planning authority in relation to the protection of trees. In particular:

- (a) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted tree report.
- (b) A suitably qualified arborist shall be engaged for the duration of the development to monitor site development works and to liaise with the Parks & Green Infrastructure Division of Fingal County Council.
- (c) Before works commence on site, a site meeting must be arranged between Fingal County Council and the appointed arborist to agree tree protection measures.
- (d) All works on trees should follow proper arboricultural techniques conforming to BS3998: 2010 Tree Works – Recommendations.

- (e) A tree bond of €50,000 is to be lodged with the Council prior to the commencement of development in order to ensure that trees are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of three years post construction which may be extended in the event of possible construction related defects.
- (f) Prior to a request for release of the tree bond, the site arborist shall provide a report on these trees detailing site inspection visits and photographic evidence that tree protection measures as outlined in Section 9.2 of the Tree Report dated September 2019 have been fully adhered to.
- (g) The existing site boundary to the Carpenterstown Road shall be retained and protected in the course of the construction works with a reservation for future footpath/cycle way to be provided inside the boundary in accordance with Option A on Drawing Option A – Indicative future cycle track road cross section code G451 OCSC number 0107A1 revision C01.

Reason: In the interests of proper planning and the protection and provision of amenities of the area.

- 5. The developer shall comply with the following:
 - (a) No development shall take place within the space between the existing road side kerb edge on Carpenterstown Road to the back of the proposed cycle path on the preferred Option A proposal that would prejudice the provision of any future pedestrian and cycle network.
 - (b) A maximum of 192 spaces shall be reserved for the exclusive use of the residential units and the remainder of the parking provision shall be reserved for the use of crèche and visitor parking requirements.
 - (c) The roads, cycleways and footpaths shall be constructed in accordance with the Council's standards for taking in charge.
 - (d) All parking areas serving the apartments shall be provided with ducting for 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.

- (e) All of the car parking spaces, with the exception of visitor/creche parking, shall be let/sold with the residential units and shall not be sold or let separately or independently;
- (f) All works shall be carried out at the expense of the developer in accordance with the specifications and conditions of Fingal County Council.

Reason: In the interests of clarity, road safety and the proper planning and sustainable development of the area and the promotion of sustainable transport.

- 6. A glazed screen shall be provided to the south of the balcony to apartment 4.3E on the 4th floor.

Reason: In the interests of residential amenity.

- 7. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
 - (a) Public lighting throughout the development.
 - (c) The operating hours of the proposed crèche shall be agreed in writing within the planning authority prior to first occupation of the units.

Reason: In the interests of visual and residential amenity.

- 8. Details and samples of the materials, colours and textures of all the external finishes and boundaries to the proposed development including external facades, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 9. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written

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

Reason: In the interests of residential and visual amenity.

10. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

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

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

12. Proposals for the development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and 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 locally appropriate place names for new residential areas.

13. 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.

14. 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 or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

15. 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 water quality.

16. 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.

17. All mitigation measures as set out in Flood Risk Assessment submitted with this application shall be implemented in full.

Reason: To minimise flood risk and in the interest of proper planning and sustainable development of the area.

18. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(a) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

19. 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.

20. 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. The plan should include details of a programme of works that amongst other items provides for interception containment and treatment of construction runoff. No construction runoff should be diverted to the proposed SuDS measures such as the bioretention areas, permeable paving, green podiums or attenuation systems. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to SuDS elements.

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.

21. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

23. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

24. The applicant shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the scheme shall be appointed to oversee and co-ordinate the preparation of the plan.

Reason: In the interest of encouraging the use of sustainable modes of transport.

25. 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.

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

26. Prior to commencement of development the developer shall submit, for the written agreement of the Planning Authority, a schedule of Ecological Mitigation Measures, as detailed in Section 7 of the Ecological Impact Assessment (dated November 2019) submitted with the application. The schedule shall set out the timeline for implementation of each measure and assign responsibility for implementation. All of the mitigation measures shall be implemented in full and within the timescales stated.

Reason: In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

27. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site, co-ordinate all the mitigation proposals contained in the archaeological assessment and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

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

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

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

29. 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 local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

30. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of public open space in the area. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning

authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

31. 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.

Rónán O'Connor
Senior Planning Inspector

27th February 2020

Appendix A – List of Observers

1. Ahmed Aghan
2. Alan & Celia Larkin
3. Alan & Marina Geraghty
4. Alice Croffy
5. An Taisce
6. Ann & Declan McDarby
7. Anne-Marie Enright
8. Anne-Marie Geraghty Brazier
9. Anne-Marie Mullen & Conor McDonagh
10. Aoife McCarthy
11. Asma Sahibzada
12. Barry Redfern
13. Ben Dunne
14. Billy & Karen Foley
15. Bramley Wood Residents Association
16. Breda & Gerry O'Regan
17. Brendan Byrne
18. Brian & Veronica Sheridan
19. Caihua Liu
20. Carlos Martinez
21. Cathal Gildea
22. Catherine Keelan
23. Celine Dowling
24. Chen Liang Bao & Li Ping Chen
25. Chris Quinn & Barbara O'Neill
26. Clara Lucey
27. Cllr Emer Currie
28. Cllr Roderic O'Gorman
29. Cllr Ted Leddy
30. Colette & Paul Reid
31. Colette Quinn
32. David & Caroline Nolan
33. David Byrne
34. David Condron
35. David Hegerty & Ruth Adams
36. David Murray
37. Dessie Kearney
38. Diarmuid Delaney
39. Diswellstown Manor Residents Association
40. Don Collins & Ailbhe Cunningham

41. Donal & Geraldine Rigney
42. Edward Mac Manus
43. Elaine Moore
44. Elisa Del Canto & Manuel Natali
45. Emma & Gerald Doyle
46. Eoghan Toomey
47. Eoin Tracy
48. Fiona & Alan Miley
49. Gary Turley
50. Gayle Briody
51. Geraldine Brennan & Noel Mooney
52. Geraldine Casey
53. Gerard P. Monaghan
54. Grace & Fred Hickey
55. Howard Mahony & Jack Chambers
56. James Sharman
57. Jennifer Benson
58. Joan Burton & Cllr John Walsh
59. Joel Dupont & Maritza Martinez
60. John & Mary Power
61. John Keelan
62. John Levesley & Deirdre Ashe
63. Justin Byrne
64. Karen Barrett
65. Kevin Bourke
66. Kevin Bowler
67. Kevin Duggan
68. Kim McCarthy
69. Laura Byrne
70. Liam O Flannagain & Sally Palmer
71. Lorraine Duggan
72. Mairead Cotter
73. Marian & Nick Boland
74. Marian & Paul Byrne
75. Mark Higgins
76. Mark McMEnamin, Riverwood Residents Association
77. Martin Clohessy
78. Mathieu Fragniere
79. Maurice FitzGerald
80. Meng Qi
81. Michele McDonald
82. Michelle Manning
83. Mohan Mugawar
84. Mr & Mrs Landais

85. Mulberry Residents Association
86. Niall Godfrey & Grace Godfrey
87. Niall Jordan
88. Niamh & Leonard McAuliffe
89. Niamh Moynihan
90. Nicola Brophy
91. Noel & Una Gildea
92. Olivia Quinn
93. Patrick McCarthy
94. Patsy & Patricia McGinnell
95. Paul & Catraoine Leonard
96. Paul O'Rafferty
97. Paula & Joe Robinson
98. Peadar & Hillary Andrews
99. Peadar Andrews
100. Peter Kellett
101. Peter Laidler
102. Philip Thompson & Sarah McFadden
103. Qiushui Yu
104. Richard Hill & Catherline Cody Hill
105. Robert Greene
106. Ron Doyle
107. Ruaidhri Coyne
108. Sarah Gannon & Gordon Park
109. Silvío Rabbitte
110. Sinead Murphy
111. St. Patrick's National School Diswellstown
112. Sue Hill
113. Sue Thompson
114. Tony & Irene Prenderville
115. Tony Hallahan
116. Tony Spratt
117. Vera Cunnigham
118. Will & Audrey Mahony
119. Wolfram Schluter & Olivia Flannery
120. Woodberry Residents Association
121. Xiang Li & Gary Coleman
122. Xiaofei Ben & Zijing Hao
123. Yan Li
124. Yang Zhang & Li Yin
125. Yanyi Wang

Decision Quashed