



An  
Bord  
Pleanála

## Inspector's Report ABP-305993-19

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### Strategic Housing Development

Section 146B - Alterations to  
previously permitted development  
ABP-304346-19

### Location

Former Chivers Factory Site, Coolock  
Drive, Dublin 17

### Planning Authority

Dublin City Council North

### Applicant

Platinum Land Ltd.

### Prescribed Bodies

Department of Culture Heritage and  
the Gaeltacht

### Observer(s)

None

### Date of Site Inspection

27<sup>th</sup> November 2020

### Inspector

Una O'Neill

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## 1.0 Introduction

- 1.1. An Bord Pleanála received an application for alterations to a previously permitted development (reference ABP-304346-19) on 22<sup>nd</sup> November 2019, from McCutcheon Halley Chartered Planning Consultants on behalf of Platinum Land Ltd. to alter the permission granted for a residential development at the Former Chiver's site between Coolock Drive and Greencastle Road, Coolock, Dublin 17. The request for alterations is made under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. In accordance with Section 146B (2)(a) of the Planning and Development Act 2000 (as amended) and following a review of the submitted details, it was concluded that the alterations to which this request relates, amounted to a significant alteration to the overall development, and it could not be reasonably concluded that the Board would not have considered the relevant planning issues differently to a material extent, and that other planning issues for consideration might also arise. As a result, the alteration was considered to constitute the making of a material alteration of the terms of the development concerned.
- 1.3. Pursuant to subsection (3)(b)(i) notice was subsequently served on the requester on 29<sup>th</sup> June 2020 to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional information to be submitted in relation to net density, compliance with national guidance and the Dublin City Development Plan, dual aspect units, additional CGIs and photomontages.
- 1.4. Following the receipt of this information on 28<sup>th</sup> August 2020 and display period up to 1<sup>st</sup> October 2020, a determination is now required under subsection (3)(b)(ii) of the Act whether to —
  - (I) make the alteration,
  - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration

## 2.0 Site Location and Description

- 2.1. The development site is located within the jurisdiction of Dublin City Council and has a stated site area of 3.86ha. No development has taken place on site since permission was granted under ABP-304346-19 (13<sup>th</sup> August 2019) for a strategic housing development of 471 build-to-rent units (reduced by condition from 495).
- 2.2. The development lands are generally rectilinear in shape and are located at the junction of Coolock Drive and Greencastle Road in Dublin 17. Cadbury's factory is located to the east. There are retail uses to the south, i.e. Northside Retail Park which includes an 'Aldi' store. There is a 'pitch and putt' course to the east of the retail park and south of the site. There are existing residential properties comprising of two-storey terraced and semi-detached houses to the west. 'Stardust Memorial Park' is located between Adare Road and Greencastle Road to the north-west of the site. There are old type industrial lands to the north east of the site accessed from Greencastle Parade which also include bulky retail units such as 'Bargaintown'. The 'Northside Shopping Centre' is located approx. 1km (south-west) walking distance from the site.
- 2.3. There are existing large industrial structures on the site which are proposed for demolition to accommodate the permitted residential development of up to 9 storeys. There is an extensive hardstanding area associated with the site. There are trees located along the northern boundary and some trees/hedging to Coolock Drive to the west. The site is currently fenced off and is inaccessible. The site is highly visible from Greencastle Road and Coolock Drive. There are also views from Oscar Traynor Road (R-104) towards the site.
- 2.4. In terms of transport linkages, the QBC is located along Malahide Road which is approximately 550m from the site at its nearest point. The site is not located proximate to a train station. There are bus stops located on Coolock Drive and Greencastle road proximate to the site, which the no. 27 and 27X buses serve. There are no cycle lanes along Greencastle Road or Oscar Traynor Road. There is a dedicated cycle path along the Malahide Road.

### 3.0 Legislation

3.1. Section 146B – 146B(1) Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

(2) (a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

3.2. Alteration a material alteration –

Section 146B(3)(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall—

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to—

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change

to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

(4) Before making a F466[determination under *subsection (3)(b)(ii)*], the Board shall determine whether the extent and character of—

(a) the alteration requested under *subsection (1)*, and

(b) any alternative alteration it is considering under F467[*subsection (3)(b)(ii)(II)*]

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

(5) If the Board determines that the making of either kind of alteration referred to in F469[in *subsection (3)(b)(ii)*]—

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under F470[*subsection (3)(b)(ii)*], or

(b) is likely to have such effects, the provisions of *section 146C* shall apply.

(8) (a) Before making a determination under F474[a determination under *subsection (3)(b)(ii)*] or (4), the Board shall—

(i) make, or require the person who made the request concerned under *subsection (1)* to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period,

as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

#### Section 146(C)

146C.— (1) This section applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in F477[section 146B(3)(b)(ii)] is likely to have significant effects on the environment.

## 4.0 Proposed Development

4.1. The applicant is making a request to An Bord Pleanála for alterations relating to ABP-304346-19. The alterations in question are set out by the applicant as follows:

- Facilities Building – Crèche moved to ground floor. Gym and associated changing rooms moved to first floor. Outdoor gym space added to first and second floor.
- Blocks A1 and A2 (90 units per block) – Height changed from 6, 9 and 10 storeys to 6, 8 and 10 storeys, resulting in reduction from 196 apartments to 180 apartments, and addition of laundry space and concierge to ground floor level. Change in elevation materials in tower element from white to grey stone.
- Block B – Removal of ground level parking and podium courtyard at first floor; duplex units removed; apartment cores amended to improve efficiencies; increase in number of apartments from 173 to 213 units; new residents lounges; co-working space, laundry and reception with post room added; reconfiguration of central bar to allow for one central courtyard; wider pedestrian entrances to courtyards; minor façade changes including fenestration and materials.
- Block C – removal of ground level parking and podium courtyard at first floor; duplex units removed; apartment cores amended to improve efficiencies; increase in number of apartments from 126 no. to 157 no. units; wider

pedestrian entrances to courtyards; minor façade changes including fenestration and materials; new basement car park entrance; new resident lounge, laundry and concierge.

- Basement – slight increase in area from 11,707 sqm to 11,753 sqm; increase in number of car parking spaces including stacked car parking, from 181 spaces to 308 spaces; stacked bicycle parking added to maximise space efficiency; new basement entrance for cars; reconfiguration of bins storage and plant to co-ordinate with changes to internal cores within the blocks.

4.2. The applicant has submitted in addition to plans and elevations of the proposed alterations, a Planning Report, a revised EIAR, NIS, Material Contravention Statement, Plus Architecture Design Statement, Photomontages, Daylight, Sunlight and Overshadowing Assessment, Addendum Traffic and Transport Assessment, Water Services and Flood Risk Assessment Report, Landscape Strategy, Dual Aspect Plans, Housing Quality Assessment and Accommodation Statement.

## 5.0 Observations

5.1. No Planning Authority submission received.

5.2. No third party observations received.

5.3. One observation received from the Department of Culture, Heritage and the Gaeltacht, Development Applications Unit. The submission recommends conditions in relation to following areas:

- That all the mitigation measures to avoid the mobilisation of silt and other materials into the Santry River during the construction phase of the proposed development as set out in the Natura Impact Statement submitted in support of this application shall be implemented in full; these measures to include the installation of silt fences and the storage of oils, fuel and chemicals within a bund.
- That the applicant should install an artificial otter holt in a bank of the Santry River on the site, its design, exact location and surrounding planting to be agreed in writing with the Dublin City Council Biodiversity Officer.
- That, as recommended in the Environmental Impact Statement Report supporting this application, prior to construction commencing, an Invasive



Species Management Plan shall be submitted for the written agreement of the planning authority, this plan to include measures to remove the stand of Japanese knotweed existing on the site in compliance with best procedure, the knotweed either to be transported off site under licence from the National Parks and Wildlife Service (NPWS) or to be buried on site.

- That any clearance of vegetation from the development site should only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.
- That the demolition of the Chivers Factory shall take place outside the breeding season of the raven, which extends from February to July, or if this is not possible, a survey of the factory for bird nests shall be carried out and licence to remove any eggs or nestlings identified obtained from the NPWS before any demolition is undertaken.

## 6.0 Planning History

6.1. The application proposed to be amended, reference ABP-304346-19, was granted permission on 13<sup>th</sup> August 2019 for a residential development under the provisions of the SHD legislation. The description of the development is as follows:

1. Phase 1 includes the demolition of all existing buildings, existing boundary fences, removal of existing trees, breaking up and crushing the existing hard standing area, excavation and all associated site works;

2. Phase 2 includes the development of a basement, measuring circa 11,707 square metres to accommodate 181 number car parking, 634 number bicycle spaces and 16 number motorbike spaces, plant rooms, bin storage, attenuation tanks and circulation.

3. Phase 3 includes the redevelopment of the site to include:

(a) 495 number build-to-rent residential units in four number blocks which comprise:

- (i) Phase 3a – Block A1 – includes 98 build-to-rent units, resident support facilities including entrance / concierge, resident services and amenities including function room, with heights proposed as six number storeys (19.175

metres above ground level), nine number storeys (27.8 metres above ground level) and 10 number storeys (30.745 metres above ground level);

(ii) Phase 3b – Block A1 – includes 98 build-to-rent units, resident support facilities including entrance / concierge, resident services and amenities including function room, with heights proposed as six number storeys (19.175 metres above ground level), nine number storeys (27.8 metres above ground level) and 10 number storeys (30.745 metres above ground level);

(iii) Phase 3c – Block B – includes 173 build-to-rent units, resident support facilities including entrance / concierge, resident services and amenities including games room, dining area, study hub, with heights proposed as three number storeys (10.4 metres above ground level), four number storeys (13.175 metres above ground level), five number storeys (16.1 metres above ground level), six number storeys (19.175 metres above ground level) and seven number storeys (21.95 metres above ground level);

(iv) Phase 3d – Block C – includes 126 number build-to-rent units, resident support facilities including entrance / concierge, resident services and amenities including homework club, communal work area, with heights proposed as three number storeys (10.4 metres above ground level), four number storeys (13.175 metres above ground level), five number storeys (16.1 metres above ground level), six number storeys (19.175 metres above ground level) and seven number storeys (21.95 metres above ground level);

(b) Ground floor car parking (215 number spaces) and bicycle parking (16 number spaces);

(c) Service building including one number creche, café and gym; and

(d) All associated ancillary development works including drainage, four number electricity substations, access and roads within the site, pavements, new boundary walls, fencing, public open space, communal amenity space, tree planting, vehicle and pedestrian access and all associated site works.

4. Phase 4. Highway and pedestrian improvements including: (a) Upgrading of the site and signals at the junction of Coolock Drive and Oscar Traynor Road; (b) Provision of a signalised pedestrian crossing to the south of the site entrance on

Coolock Drive; and (c) Provision of a signalised pedestrian crossing at the proposed pedestrian entrance to the park off Greencastle Road.

The following condition of the permission is noted:

4. The proposed development shall be amended as follows:

(a) The westernmost 10 storey element of Block A1 and the westernmost 10 storey element of Block A2 shall be reduced by the omission of two intermediate floors to a maximum of 8 storeys.

(b) The easternmost 10 storey element of Block A1 and the easternmost 10 storey element of Block A2 shall be reduced by the omission of one intermediate floor to a maximum of 9 storeys.

Revised plans and particulars shall be submitted to and agreed in writing with the planning authority prior to commencement of works.

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

Condition 4 resulted in the omission of 24 apartments.

## 7.0 Assessment

### 7.1. Overview

7.1.1. The applicant applied for 495 build to rent apartments under ABP-304347-19. The number of units permitted was reduced by way of condition by 24 units to 471 units. The proposed alterations would result in a total scheme of 550 units, which is 55 units greater than originally applied for and an increase of 79 units over what was permitted.

7.1.2. The proposed alterations are summarised as follows:

- Facilities Building – Crèche moved to ground floor. Gym and associated changing rooms moved to first floor. Outdoor gym space added to first and second floor.
- Blocks A1 and A2 (90 units per block) – Height changed from permitted 6, 8 and 9 storeys (originally proposed 6, 9 and 10 storeys) to 6, 8 and 10 storeys,

resulting in reduction from 196 apartments to 180 apartments, and addition of laundry space and concierge to ground floor level. Change in elevation materials in tower element from white to grey stone.

- Block B – Removal of ground level parking and podium courtyard at first floor; duplex units removed; apartment cores amended to improve efficiencies; increase in number of apartments from 173 to 213 units; new residents lounges; co-working space, laundry and reception with post room added; reconfiguration of central bar to allow for one central courtyard; wider pedestrian entrances to courtyards; minor façade changes including fenestration and materials.
- Block C – removal of ground level parking and podium courtyard at first floor; duplex units removed; apartment cores amended to improve efficiencies; increase in number of apartments from 126 no. to 157 no. units; wider pedestrian entrances to courtyards; minor façade changes including fenestration and materials; new basement car park entrance; new resident lounge, laundry and concierge.
- Basement – slight increase in area from 11,707 sqm to 11,753 sqm; increase in number of car parking spaces including stacked car parking, from 181 spaces to 308 spaces; stacked bicycle parking added to maximise space efficiency; new basement entrance for cars; reconfiguration of bins storage and plant to coordinate with changes to internal cores within the blocks.

7.1.3. The alterations proposed amount to visual and physical changes to the development as permitted which would constitute a material alteration, requiring further assessment and consideration. The following sections assess the implications of the proposed alterations individually and their impact on the development as a whole.

## 7.2. Density and Unit Mix

7.2.1. The overall site area is stated to be 3.86ha in the submitted application form. I note this area includes zoned open space to the north and a section of public road to the northeast and west of the site, which can be excluded to ascertain the net site area. The net site area is stated in the submitted documentation (page 28 of the Plus Architecture Design Statement) to equate to 2.53ha and the zoned open space is stated to be 1.08ha. I note this is verified by the Dublin City Council variation on this parcel of land, which saw it rezoned from Z6 to Z1, the site area of which is stated within that documentation as 2.5ha. However, I note the submitted Planning Report

states the net site area is 2.044 ha and uses this to determine that the proposed net density as being 268 units per hectare.

- 7.2.2. The application site, excluding the zoned open space and roads, amounts to 2.5ha, which would have resulted in a proposed net density under ABP-304346-19 (proposal for 495 units) of 198 units per hectare. I note condition 4 resulted in the omission of 24 units from the development, so the permitted density on the site is 188 units per hectare.
- 7.2.3. An additional 55 units are proposed in this application over that proposed under ABP-304346-19 application. The submitted Planning Report (dated 28<sup>th</sup> August 2020) states the proposed net density of this application is 268 units per hectare, however, this has been miscalculated given the net site area is 2.5ha. By my calculation, the proposed net density is 220 units per hectare and not the stated 268 units per hectare, therefore the proposed alterations result in an increase of density from the originally proposed 198 units per hectare to 220 units per hectare.
- 7.2.4. As per the previous permitted development and associated Board direction, the Board has determined that this site is capable of accommodating a high-density development. The Board Direction associated with ABP-304346-19 states “the Board considered that the proposed development was located within sufficient distance of several major employment centres including Beaumont Hospital and the City centre and also within 1km of a high capacity integrated public transport system and was satisfied that the development at the scale and density proposed would be fully in accordance with the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, 2018”. The increase in density at this location is therefore in my opinion acceptable, subject to appropriate design and amenity standards, which will be assessed in detail hereunder.
- 7.2.5. Table 3 of the submitted Planning Report sets out the unit mix originally proposed in under ABP-304346-19, the unit mix permitted and the now proposed unit mix

Unit Mix

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>ABP-304346-19</b>	61 (12%)	150 (30%)	178 (36%)	106 (21%)	<b>495</b>
<b>Current Application</b>	67 (12%)	205 (37%)	222 (40%)	56 (10%)	<b>550</b>

- 7.2.6. The percentage of studio units remains the same at around 12% (increasing from 61 to 67 units). The percentage of 1 and 2 bed units has increased from 30% and 36% respectively, to 37% and 40%. 3 bed units have decreased to 10%. I note the greatest percentage change is in the decrease of 3 bed units, with the largest increase being in the number of 1 bed units.
- 7.2.7. The guidelines Design Standards for New Apartments 2018 states under SPPR 8, which relates to BTR developments, that no restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise. The unit mix as proposed is therefore acceptable. Furthermore, having regard to the suburban nature of the wider area and the supply of three bed units, the greater provision of one bed units will support greater mix in the area and is supported by national policy.

### 7.3. **Blocks A1 and A2 – Height, Visual Impact and Materials**

- 7.3.1. I note the following Condition 4 of the permission granted under ABP-304346-19:

4. The proposed development shall be amended as follows:

(a) The westernmost 10 storey element of Block A1 and the westernmost 10 storey element of Block A2 shall be reduced by the omission of two intermediate floors to a maximum of 8 storeys.

(b) The easternmost 10 storey element of Block A1 and the easternmost 10 storey element of Block A2 shall be reduced by the omission of one intermediate floor to a maximum of 9 storeys.

Revised plans and particulars shall be submitted to and agreed in writing with the planning authority prior to commencement of works.

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

#### Height and Visual Impact

- 7.3.2. The applicant proposes to implement condition 4(a), but not 4(b). The applicant considers the impact of Condition 4 on the massing and elevations has not been considered sufficiently and results in an unsatisfactory composition. The applicant

proposes a stepped approach of 8 storeys and 10 storeys to the arms in Block A1 and in Block A2 (versus the condition which permitted 8 and 9 storeys). The overall reduction now proposed would be 16 apartments in Blocks A1 and A2, which would result in 180 number apartments in A1 and A2 (versus permitted 172). Changes to materials are proposed to the 10 storey elements, with a proposal to change from buff brick and white stone cladding to charcoal grey brick. 3D views are set out in section 10 of the submitted Architects Report and in the CGI/photomontage document submitted.

7.3.3. It is stated in the direction issued by the Board in relation to permission ABP-304346-19, that the Board was:

“satisfied that the proposed design strategy as it relates to scale, mass and height of the proposed structures, represents an appropriate design response to the site’s locational context and to the established character and pattern of development of the area and was satisfied that the large open space/ parkland to the northern reach of the site provided an appropriate setting for increased height at this location. The Board did not accept the Inspector’s view that the arrangement of the proposed blocks and overall design of the scheme is monolithic and considered that subject to some modification by condition that an acceptable degree of variation and modulation of form and height was achieved which would not detract from the character and pattern of development in the immediate area”.

7.3.4. It would therefore appear to me from the direction issued by the Board that the intent of the condition related to the improvement of the visual impact of the development through the creation of varied heights between Blocks A1 and A2, as opposed to the overall height per se or any issue in relation to density.

7.3.5. I have reviewed the documentation submitted, specifically the revised Photomontages. The proposed modulation in my opinion is acceptable and while it allows for one extra floor above what was permitted by the Board, given the slenderness of the projection proposed, I do not consider that this floor would have a significant visual impact on the area or negatively impact on the design of the building in itself. I consider the proposed alterations would successfully result in the modulation in height originally sought by way of Condition 4.

7.3.6. I note from the submitted floor plans that the eight and ninth floor plans for the eastern most arms of Blocks A1 and A2 comprises two x two-bed apartments. Each apartment is 84 sqm in area, which is in excess of the minimum standards set out in the Apartment Guidelines of 73 sqm.

#### Materials

7.3.7. The submitted Plus Architecture Design Report on pages 59-62 elaborates on the materials proposed. The main change proposed is to Blocks A1 and A2. It is proposed that the 10 storey sections be finished with a charcoal grey brick cladding with corten steel louvres to the balconies. It is stated that a vertical rhythm of corten steel fins is proposed on the taller blocks to help introduce identifiable colour references and distinctiveness. The materials on the 8 storey element is to comprise a white techrete cladding and on the 6 storey element a buff brick. There would also appear to be differences between the elevations under ABP-304346-19 and the proposed elevations in this application in relation to materials and details around the windows. It is stated in the submitted Planning Report as part of this application that Blocks B and C incorporate slight changes to the materials and fenestration, which appear to me to result from the amended layout of the floor plans/unit mix proposed and the omission of duplex units.

7.3.8. Condition 6 of permission ABP-304346-19 requires details and samples of the materials, colours and texture of all the external finishes to the proposed development including paving finishes to be submitted to and agreed in writing with the planning authority. It would therefore in my opinion be inappropriate to determine in isolation a change to dark grey brick on the 10 storey elements of Blocks A1 and A2, given that agreement on all elements by virtue of condition 6 of permission ABP-304346-19 is required and such a change should be holistically considered in the context of the whole scheme. I consider the agreement of the planning authority in relation to the detail of the finishes should be sought to ensure the delivery of high quality and durable finishes in this development. I therefore do not consider it acceptable to determine the proposed material changes to Blocks A1 and A2 as part of this application.

#### **7.4. Blocks B and C**



- 7.4.1. Under permission ABP-304346-19, Blocks B and C comprised surface parking at ground level in the centre of the blocks, wrapped by apartments on the outer edges facing the streets, and covered with a podium landscaped area to serve as open space for the residents. Block B also had a central east-west arm of apartments through the centre of the Block at the podium level up to 3<sup>rd</sup> floor level, with a passage through this east-west arm at the podium level to allow both areas of open space to be accessed.
- 7.4.2. The applicant proposes to alter the two blocks B and C through the removal of all the surface level parking, reinstatement of the ground level to open space within the centre of the block, and relocation of some of the parking to the basement level (see Section 7.6 hereunder in relation to parking). I note the layout of not only the ground floors but the upper floors have also been amended with removal of the duplex units proposed (ground and first floor levels) and a change in overall unit mix proposed with a greater number of smaller studio/one bed units proposed. The alterations resulting in an increase in number of apartments are as a result of the removal of at grade parking and alterations to the unit mix and does not result in an increase in scale, height, or increased site coverage over what was permitted for these blocks.
- 7.4.3. With regards to the alterations to Block B, overall there is a proposed increase of 40 apartments through a change in the unit mix over the various floors (from 173 to 213 apartments overall). Pedestrian access to the block is amended as the permitted stairs to the podium open space is no longer required, with pedestrian movement across the block now possible at grade allowing for direct access from the surrounding streets. The pedestrian accesses into the block have also been widened which results in improved pedestrian legibility. The east-west arm through Block B is now split in the centre instead of traversing the width of the block, which allows for improved movement across the block and an improved level of light. A pop-up apartment at fifth floor level on the eastern side of the building has been removed as part of this proposal. The applicant indicates duplex units are being removed, with apartment cores amended to improve efficiencies, and residential facilities of new residents' lounges, co-working space, laundry and reception with post room added and relocated within the block (see section 7.5 hereunder in relation to resident support facilities/amenities). Façade changes are stated to include changes to fenestration and materials.

- 7.4.4. Similar to Block B, Block C involves the removal of ground floor parking and increase in the number of apartments by 31 (from 126 apartments to 157 apartments) through the additional level of accommodation at ground level facilitated by the removal of the parking and also through a redesign of the layout at upper floors with altered unit mix. Wider pedestrian entrances to courtyards are also proposed, as per Block B, with permeability across the block from street level. Minor façade changes are proposed and revised residential amenity facilities in the form of residents' lounge, laundry and concierge proposed, and also revised location of these facilities (see section 7.5 hereunder in relation to resident support facilities/amenities).
- 7.4.5. I note under the submitted layout, gates are proposed at all pedestrian entrances from street level to the centre of the blocks and its associated open space. Under the permitted layout there were no gates indicated at the pedestrian steps to the podium level. I note Blocks A1 and A2 are open to their surrounds. Condition 11 of the permission (ABP-304346-19) states that the proposed development shall be permanently accessible and shall not be gated to external boundaries. I consider the introduction of gates and blocking of permeability across the scheme to be contrary to the principles of permeability, accessibility and social inclusion, and hinders ease of movement between the residents of all blocks. The gates are also contrary to Policy QH10 of the Dublin City Development Plan which relates to permeable communities. In this regard, should the Board be minded to grant permission, I consider no pedestrian gates should be permitted around the perimeter of these large blocks.
- 7.4.6. Overall, I consider the ground level accessibility across the block through the removal of at grade parking and podium level over is to the benefit of the scheme as a whole, allowing improved movement at street level, greater interaction and legibility from the surrounding streets, and greater accessibility for all to the open spaces in the centre of the blocks, subject to a condition in relation to the removal of pedestrian gates to the blocks.

Compliance with guidelines Design Standards for New Apartments (2018)

- 7.4.7. The submitted Plus Architecture Design Report states that 53.64% of the apartments are dual aspect, which is a decrease from previously proposed 65%, however, the

proposal remains in compliance with the guidelines on Design Standards for New Apartments 2018 at over 50%.

- 7.4.8. In terms of floor area the units meet the minimum floor areas as set out in the guidelines Design Standards for New Apartments 2018 and comply with storage and private amenity space requirements. A large proportion of the apartments are in excess of 10% greater than the minimum floorspaces, albeit I note this stipulation is not a requirement for BTR development, as per SPPR 8. While the number of single aspect units has increased across Blocks B and C, I note that none of the single aspect units are north facing.
- 7.4.9. SPPR 5 states ground level apartment floor to ceiling heights shall be a minimum of 2.7m, which is the case in the apartment blocks proposed.
- 7.4.10. A revised sunlight-daylight report has been submitted. The report states that the majority of apartments (97%) would achieve the BRE recommended daylight levels and the communal courtyard areas achieve the recommend sunlight levels. Of the 18 rooms that do not achieve the recommended threshold, these are stated to be marginally short of the target values and have received compensatory design measures in accordance with section 6.7 of the Design Standard for New Apartments. The following design measures are stated to have been included: Units have an apartment floor area that is  $\geq 10\%$  larger than the design standards for new apartments; A high proportion of glazing provided to all the units. Specification of glazing with a high glazing transmittance value to ensure maximum light penetration into apartments; Balcony space exceeding the minimum design standards referenced in the March 2018 apartment guidelines; and 27% of the units noted as being short of the target daylight values are dual aspect. I accept the findings of the revised report.
- 7.4.11. In summary, the proposed apartments and those amended by the changes to the unit mix, are in compliance with guidelines Design Standards for New Apartments 2018.

#### Open Space

- 7.4.12. The Board raised no issue in terms of quantum and design of public and private open space provision for the proposed 495 units under ABP-304346-19. This application provides for an additional 55 units over what was originally proposed,

therefore I am assessing the quantum and design of open space against the requirements which arise from providing for an additional 55 units over what was originally proposed, having regard also to the altered unit mix, which would have an impact on the quantum of communal open space required.

- 7.4.13. I note under permission ABP-304346-19 there was a stated area of 25,220 sqm open space, which included the zoned public open space adjoining the northern boundary of the site, communal open space, courtyards and roof gardens (the roof gardens being in Blocks A1 and A2 only). While an overall breakdown has not been given in relation to all the open space proposed in this application, I note the quantum of development in Block B would generate a communal open space requirement, as per the apartment guidelines, of 1304 sqm and Block C would generate a requirement for 950 sqm. This is provided for within the central blocks.
- 7.4.14. I note that the central courtyard in B has increased in area through the omission of a section of the arm through the centre of the block, while the courtyard in Block C has been reduced with the proposed new additional basement access in this block. The submitted revised Landscape Strategy Report states the play areas in Block C is 160 sqm and in Block B is 255 sqm.
- 7.4.15. Overall, having considered the increase of 55 units proposed, the quantum of open space and its design, in addition to the location of the site adjoining the park area along the Santry River, I consider the proposed increase in apartment numbers can be adequately accommodated in terms of open space. I note all units meet the requirement of the guidelines on Design Standards for New Apartments 2018 in terms of private amenity space.

## **7.5. Resident Support Facilities/Amenities**

- 7.5.1. Table 4 of the submitted Planning Report (page 19, dated November 2019) indicates that the overall floor area assigned to 'Resident Amenity Area' (including bin storage) has been reduced from an overall figure of 3012.5 sqm to 1932.5 sqm. I note that the figures in table 4 under 'proposed alterations' have been added up incorrectly and the figure 1932.5sqm should read 2544.5 sqm. The overall difference in 'Resident Amenity Areas' based on the submitted table 4 is therefore 468 sqm. I note the term 'Resident Amenity Area' comprises all uses listed under the apartment guidelines as 'Resident Support Facilities' and 'Resident Services and Amenities'. The largest

difference in floor area arises from allocated bin storage areas (at ground and basement level) being reduced by 493sqm from 1067sqm to 574 sqm. An increase of 174 sqm in floor area is stated to relate to the services building, albeit I note the design has not changed in relation to this building, therefore the calculations would appear to be inaccurately reflected/calculated here also. I note smaller differences in communal amenities per block are indicated.

- 7.5.2. The submitted Plus Architecture Design Report indicates on page 57 a table of Communal Use Spaces (residential lounge, concierge, laundry, co-work space, reception, post room, facilities hub and service building of creche/gym/café) and states this equates to 1932.5 sqm, which is 3.5sqm per apartment. I note the comparative table in the Plus Architecture Design report submitted with ABP-304346-19 states that the Communal Use Amenities (ie function room, games room, dining area, study hub, communal work area and home work club) equated to 1363.5 sqm, which was 2.7sqm per apartment. The report submitted with this application therefore indicates an overall increase in communal amenity space per apartment (exclusive of bin stores but inclusive of laundry facilities), albeit the Planning Report submitted indicates a general reduction. This appears to be the case due to the inclusion of bin storage areas and other storage areas not included in the calculations of the original application. I note certain figures have changed, eg the change in figures for the services building, which retains the same area as originally proposed, and the change in communal areas in Block A1 and A2, although the floor area of these has remained the same. Furthermore, there have been changes in the number of storage areas originally proposed and now omitted which are not accounted for or discussed in the submitted documentation.
- 7.5.3. My assessment in relation to changes to Resident Support Facilities and Resident Services and Amenities can therefore only accurately be based on a comparison of the drawings submitted under both applications and ascertaining if there is a commensurate increase/improvement in facilities and amenities for the proposed increase in 55 units proposed (original assessment having been made and deemed acceptable for 495 units). I note the guidelines do not suggest an optimum floor area per apartment for resident support facilities/resident services and amenities.
- 7.5.4. As per the floor plans, I note the area assigned to resident support facilities/resident services and amenities in apartment Blocks A1 and A2 is as per originally proposed,

with the main alteration being that the proposed function room is now subdivided to provide for a separate laundry room and one of the lobbies is an identified concierge area. The number of units has not increased in these blocks over what was originally proposed but has decreased by 16 units, therefore the scale of resident support facilities/resident services and amenities is considered appropriate within these blocks and this was determined to be the case under ABP-304346-19.

- 7.5.5. The number of units in Blocks B and C has increased above what was originally permitted in these blocks due to the omission of the ground level parking in the centre of the blocks and change in the unit mix. There are 40 additional apartments in Block B and 31 in Block C. I note the minimum storage and private amenity areas per apartment in this BTR scheme are as per the guidelines for standard apartments and I note apartment sizes meet, and in the majority of cases exceed, the minimum required.
- 7.5.6. With regard to Block B, permission ABP-304346-19 indicated four storage rooms and a large bin storage area located where units backed onto the ground level parking, in addition to resident amenities of a study hub, a communal dining area and a games room (the latter amenities being a stated 231 sqm in area). The ground level of Block B, with the omitted parking, no longer has storage rooms or bin storage rooms backing onto the parking. Resident amenities comprise three residents' lounges, a co-working space, a concierge, reception desk area, post room and laundry room (all 327sqm in area). Bin storage is reallocated to the basement area covering a reduced area. With regard to Block C, one communal work area and a separate homework club room was proposed at ground level (197.5sqm in area) in permission ABP-304346-19, with the proposed application indicating one facilities hub area, a concierge and laundry room at ground level (169sqm in area), of which the concierge/entrance lobby is significantly reduced compared to that permitted under ABP-304346-19. The bin storage area and storage which was located adjoining the ground level parking under permission ABP-304346-19 have been omitted.
- 7.5.7. I note that the type of resident support facilities/resident services and amenities envisaged in the guidelines are now all provided for within the blocks and the residential amenity areas improved upon. In terms of layout, the ground floor arrangement of services in Blocks B and C have been amended so that the services

on the eastern arm of Block B at ground level sit opposite the ground level services in Block C on the other side of the street - ie two residents lounge/co-working spaces/ concierge space in Block B, opposite a 'facilities hub' and concierge space in Block C. I note laundry facilities are now proposed in each block, whereas previously this was not the case. The more central grouping of these uses is an improvement upon the previous layout. The revision in type of resident amenities and their location, clustered together, will support improved activity at street level. These alterations are stated in the submitted documentation to be proposed due to concerns raised in the original inspector's report in relation to this issue.

7.5.8. Reconfiguration of bin storage and plant to co-ordinate with changes to internal cores within the blocks are proposed. The overall level of support facilities in terms of storage and bin stores has been reduced. No assessment has taken place in relation to the bin management strategy and therefore no justification to its reduction by over half submitted. A proposed area of 577 sqm is to serve the 369 apartments in Blocks B and C. I note that bin storage is proposed adjoining every core at basement level in Blocks B and C and is therefore conveniently located for future residents. I consider that the scale of bin storage is a management issue for the company managing this project and the frequency of collection can be altered to suit the needs of the tenants. I note condition 16 of ABP-304346-19 requires the submission of a plan containing details for the management of waste within the development to be submitted to and agreed in writing with the planning authority. I consider this issue will be adequately managed by way of condition.

7.5.9. Overall, having reviewed all the information submitted against the permitted development, I consider the alterations to the scale, type and location of resident support facilities/resident services and amenities to be overall acceptable and will adequately serve an additional 55 units over what was originally proposed. I note the resident spaces are better located, more accessible and more varied in terms of services offered.

## 7.6. **Car Parking and Bicycle Parking**

7.6.1. A slight increase in basement area is proposed from 11,707 sqm to 11,753 sqm. The layout of the basement has been amended and I note the following changes:

- The bin storage area has been reduced by over half the floor area, from 1257sqm to 577sqm, in addition to the omission of bin storage from at grade.
- Use of stacked bicycle parking to accommodate 616 spaces (reduced at basement level by 18 spaces from 634 to 616 spaces), which frees up additional floor space for car parking.
- Increase in car parking spaces at basement level from 181 to 244 standard spaces (including 18 disabled spaces), plus 69 stacked car parking spaces (ie 36 at normal level and 33 spaces above), giving a total car parking provision at basement level of 313. An additional 23 car parking spaces are stated to be provided for at grade, resulting in a total of 336 car parking spaces.
- The overall parking figure has reduced from 396 spaces and 5 creche spaces for the development; to 336 spaces for residential use and 4 creche spaces.

7.6.2. The documentation is accompanied by an Addendum TTA. It is stated in the amended EIAR that a more robust car parking management strategy and mobility plan is included with this application which is stated proposes further measures to what was previously proposed to reduce reliance on private vehicle use / ownership including stringent car parking restrictions and a strong Mobility Management Plan. The revised EIAR raises no issue with the level of parking proposed or offers any further analysis of the stacked parking arrangement now proposed as a portion of the basement parking.

7.6.3. The Addendum TTA proposes to allocate 1 parking space per two and three bed units (278 spaces). 33 of the 205 one bed units will be assigned 1 parking space (33 spaces), therefore 170 of the one bed units and the 67 studio units will not have an assigned parking space. 14 spaces will be reserved for visitors and 10 for a car club. It is stated that research from Go Car shows that the provision of 10 no. car club spaces has the potential to replace up to 100 - 200 car parking spaces on the site. No commentary or detail is provided in relation to the stacked car parking proposal.

7.6.4. The car parking provision under permission ABP-304346-19 was stated to be 0.79 spaces per apartment and I calculate this now as being 0.61 spaces per apartment. I am not satisfied that a stacked car parking arrangement is appropriate in this instance. No car parking management strategy has been submitted to illustrate how this would be managed/maintained/operated, and I do not consider the arrangement convenient or proven to be cost effective at this suburban location. To omit the



stacked parking arrangement would result in the loss of 33 spaces, which would result in an overall rate per apartment of 0.55 car parking spaces. I consider this parking rate acceptable for a BTR scheme at this location. Should the Board be minded to grant permission, it may consider addressing this issue by way of condition. I note a mobility management strategy, as per condition 5 of permission ABP-304346-19, is required to be submitted to the planning authority for written agreement prior to the commencement of development, therefore the submitted arrangement is not appropriately fixed by way of the submission to this application.

7.6.5. The current application proposes a total of 670 bicycle spaces (at basement and at grade), which is an increase of 20 spaces over the permission ABP-304346-19 (650 spaces). I note that under the apartment guidelines the proposal generates a general requirement for 884 cycle parking spaces for the apartments and 275 visitor parking spaces. However, I note that under the permission ABP-304346-19 650 spaces were provided for, albeit there was a requirement for 779 spaces. If worked out on a per apartment basis, the permitted cycle parking equates to 1.3 spaces per apartments, while this proposal equates to 1.2 spaces per apartment. Overall, I consider the general increase in cycle parking a positive addition, particularly at surface level, and acceptable when compared to the permitted development and the marginal difference involved.

7.6.6. I note overall the submitted Addendum TTA states that the proposed alteration will not result in material deterioration of existing road conditions. I accept the findings of this report.

## **7.7. Amendment to the Facilities Building and Relocation of Creche and Gym**

7.7.1. The Board in it's direction on permission ABP-304346-19 was satisfied that the provision of a standalone service building, when taken in conjunction with the additional communal areas spread throughout the proposed development, represented an innovative design response to the brief and would create a positive shared living environment which promotes integration between residents and therefore would be in accordance with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018. Nonetheless the applicant in this application notes the original Inspector's report in relation to ABP-304346-19, which questioned the configuration and layout of the

facilities building, particularly how it would function with the crèche at first floor level, accessed via a spiral staircase.

- 7.7.2. The applicant now proposes as part of this application to reposition the uses within the facilities building, with the crèche relocated to ground floor and the gym moved from the ground floor to the first and second floors. It is proposed that these facilities will be open to the public, whereas previously it was stated that these facilities would be for occupants of the units only. I have no concerns in relation to the revised layout. However, I note it is indicated in table 5 in the submitted planning report that the permitted creche was 300sqm and it is now reduced by 9sqm to 291sqm, however, having examined permission ABP-304346-19, it is stated under ABP-304346-19 that the area of the creche was 357sqm and not 300sqm as now stated, which would result in an actual reduction in area of 66sqm and not 9sqm. It is not clear from the drawings submitted which are the correct figures. I note overall the number of childcare spaces required has reduced marginally from 76 children to 75 children.
- 7.7.3. Permission ABP-304346-19 had an area of 412sqm at ground level assigned to the gym. The creche at ground level in this application is identified as a smaller area with an office indicated separately. It is unclear if this office is part of the creche. An internal layout for the creche is not indicated. The café remains in the circular section of the building at ground level, however, I note the toilets are accessed from the lobby and not the café and I am unsure as to whether these are intended as communal facilities with the creche. I would suggest that there is sufficient space at ground level to cater for the scale of creche required if the entire 412sqm of the gym area at ground floor (as per permission ABP-304346-19) was allocated to the creche. Should the Board be minded to grant permission, I consider this issue could be addressed by way of condition to ensure the required space is allocated to the creche and not subdivided off for other commercial uses, that is the café or gym, where it undermines the statutory requirement for a creche of appropriate scale to serve this development.

## 8.0 Appropriate Assessment

### Overview

8.1. A Screening Report and NIS were submitted as part of application ABP-304346-19, which concluded that the proposed development, individually or in-combination with other plans or projects would not adversely affect the integrity of the European Sites North Dublin Bay SAC or North Bull Island SPA (Natura 2000 Codes 000206 and 0004006). A revised NIS for 550 units has been submitted with this application, the previous NIS having been prepared on the basis of 495 units. The revised NIS submitted as part of this request to alter ABP-304346-19 does not specifically address the alterations proposed, but the entirety of the development with the alterations in place. I have therefore re-examined the submitted Appropriate Assessment Screening and NIS.

8.2. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

### 8.3. **Compliance with Article 6(3) of the EU Habitats Directive**

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development at Coolock, a residential development proximate to the Santry River, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

#### **8.4. Screening the need for Appropriate Assessment**

- 8.4.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered stage 1 of the appropriate assessment process i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.
- 8.4.2. The applicant has submitted a screening report for Appropriate Assessment / Natura Impact Statement as part of the planning application (Appropriate Assessment & Natura Impact Statement by Altermar Marine and Environmental Consultancy, dated 19<sup>th</sup> November 2019).
- 8.4.3. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The screening is supported by associated reports, including: Desk top study; An examination of aerial photographs and maps; Site Visits and survey of factory buildings; Habitats and Species Survey, including birds survey, survey along the river and survey for invasive species; Bat survey; Outline Construction Environmental Management Plan; and Consultations with Inland Fisheries Ireland.
- 8.4.4. The applicants AA Screening Report concluded that 'Acting on a strictly precautionary basis NIS is required in respect of the effects of the project on the North Dublin Bay SAC and North Bull Island SPA (hydrological connection to proposed works) because it cannot be excluded on the basis of best objective scientific information following screening that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the named European Site/s in the absence of mitigation measures. An NIS or Stage 2 Appropriate Assessment is not required for the effects of the project on all other listed Natura sites above because it can be excluded on the basis of the best

objective scientific information following screening that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the European Site/s'.

- 8.4.5. Having reviewed the documents, submissions and consultations with the NPWS, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

#### Screening for Appropriate Assessment - Test of Likely Significant Effects

- 8.4.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 8.4.7. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

#### Brief Description of the Development

- 8.4.8. The proposed development is on a 3.86ha site. The applicant provides a description of the project on pages 4 to 11 of the AA screening report and elsewhere in the EIAR. In summary, the development comprises:

- 550 dwellings, basement car parking, 1 childcare facility, a gym and a cafe.
- Highway improvements and pedestrian crossings on Coolock Drive, Oscar Traynor Road and Greencastle Road.
- Riparian corridor along Santry River, with terraced swales and a new wetland landscaping features at the south bank of the Santry River.
- SUDS strategy: A treatment train whereby rain-water from the roofs of the buildings passes through a combination of sedum roofs and soft landscaping features at the courtyard levels. Rainwater downpipes discharge into below ground linear bio-retention features that contain suitable materials surrounding a perforated pipe to allow excess run-off fall toward the discharge point at the terraced wetland on

the Southern bank of the Santry River. The storm water run-off also serves to irrigate the soft landscaping on the site.

- Connection to public foul sewerage system.
- Outline CEMP detailing the standard construction phase controls that will be incorporated on site to limit construction impacts.

#### Submissions and Observations

8.4.9. A submission was received from the Department of Culture, Heritage and the Gaeltacht, Development Applications Unit which recommends the following conditions:

- That all the mitigation measures to avoid the mobilisation of silt and other materials into the Santry River during the construction phase of the proposed development as set out in the Natura Impact Statement submitted in support of this application shall be implemented in full; these measures to include the installation of silt fences and the storage of oils, fuel and chemicals within a bund.
- That the applicant should install an artificial otter holt in a bank of the Santry River on the site, its design, exact location and surrounding planting to be agreed in writing with the Dublin City Council Biodiversity Officer.
- That, as recommended in the Environmental Impact Statement Report supporting this application, prior to construction commencing, an Invasive Species Management Plan shall be submitted for the written agreement of the planning authority, this plan to include measures to remove the stand of Japanese knotweed existing on the site in compliance with best procedure, the knotweed either to be transported off site under licence from the National Parks and Wildlife Service (NPWS) or to be buried on site.
- That any clearance of vegetation from the development site should only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.
- That the demolition of the Chivers Factory shall take place outside the breeding season of the raven, which extends from February to July, or if this is not possible, a survey of the factory for bird nests shall be carried out

and licence to remove any eggs or nestlings identified obtained from the NPWS before any demolition is undertaken.

European Sites

8.4.10. The proposed site area includes the Santry River, which is connected to North Dublin Bay SAC and North Bull Island SPA, which are 3.2 km from the proposed development. A summary of these European Sites, including their conservation objectives and SCIs is presented in the table below.

8.4.11. As the proposed project has a direct hydrological link to the North Dublin Bay SAC and North Bull Island SPA via the Santry River, under the precautionary principle, a NIS is deemed appropriate.

Table 1: European Sites Screened In

<b>Natura Code</b>	<b>Name</b>	<b>Conservation objectives and Features of Interest</b>
IE0000206	North Dublin Bay SAC	<p><u>Conservation Objectives:</u> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p><u>Features of Interest:</u> 1140 Mudflats and sandflats not covered by seawater at low tide            1210 Annual vegetation of drift lines            1310 Salicornia and other annuals colonising mud and sand            1330 Atlantic salt meadows (Glaucopuccinellietalia maritimae)            1395 Petalwort Petalophyllum ralfsii            1410 Mediterranean salt</p>

		<p>meadows (<i>Juncetalia maritimi</i>)  2110 Embryonic shifting dunes  2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) 2190 Humid dune slacks</p>
IE0004006	North Bull Island SPA	<p><u>Conservation Objective:</u> The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p><u>Qualifying Interests:</u> A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A054 Pintail (<i>Anas acuta</i>) A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A143 Knot (<i>Calidris canutus</i>) A144 Sanderling (<i>Calidris alba</i>) A149 Dunlin (<i>Calidris alpina</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A157 Bar-tailed</p>



		Godwit ( <i>Limosa lapponica</i> ) A160 Curlew ( <i>Numenius arquata</i> ) A162 Redshank ( <i>Tringa tetanus</i> ) A169 Turnstone ( <i>Arenaria          interpres</i> ) A179 Black-headed Gull ( <i>Chroicocephalus          ridibundus</i> ) A999 Wetlands
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8.4.12. The following European Sites have also been considered as potentially within the zone of influence, however, these sites are geographically removed from the site and there is no pathway between them and the application site whereby the housing development upon the application site would have the potential to have likely significant effects upon them:

- Special Protection Areas: Baldoyle Bay SPA [IE0004016]; Ireland’s Eye SPA [004117]; Howth Head Coast SPA [004113]; Dalkey Islands SPA [004172]; South Dublin Bay and River Tolka Estuary SPA [IE0004024]; Broadmeadow/Swords Estuary SPA [IE0004025]; Rogerstown Estuary SPA [IE0004015]
- Special Areas of Conservation; Baldoyle Bay SAC [000199]; Howth Head SAC [000202]; Malahide Estuary SAC [000205]; Rockabill to Dalkey Island SAC [003000]; Glenasmole Valley SAC [001209]; Ireland’s Eye SAC [002193]; South Dublin Bay SAC [IE0000210]; Rogerstown Estuary SAC [IE0000208]

8.4.13. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, I can confirm that the only European Sites relevant to include for the purposes of screening for the possibility of significant effects are those within:

- North Dublin Bay SAC, 000206
- North Bull Island SPA, 0004006

## 8.5. Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out

Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 002206 (North Dublin Bay SAC) and 0004006 (North Bull Island SPA) in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

I confirm that the sites screened in for appropriate assessment are the sites included in the NIS prepared by the project proponent.

The possibility of significant effects on other European sites hereunder has been excluded on the basis of scale of the works proposed, separation distance and lack of substantive ecological linkages between the proposed works and the following European sites:

- Special Protection Areas: Baldoyle Bay SPA [IE0004016]; Ireland's Eye SPA [004117]; Howth Head Coast SPA [004113]; Dalkey Islands SPA [004172]; South Dublin Bay and River Tolka Estuary SPA [IE0004024]; Broadmeadow/Swords Estuary SPA [IE0004025]; Rogerstown Estuary SPA [IE0004015]
- Special Areas of Conservation; Baldoyle Bay SAC [000199]; Howth Head SAC [000202]; Malahide Estuary SAC [000205]; Rockabill to Dalkey Island SAC [003000]; Glenasmole Valley SAC [001209]; Ireland's Eye SAC [002193]; South Dublin Bay SAC [IE0000210]; Rogerstown Estuary SAC [IE0000208]

In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

## **8.6. The Natura Impact Statement**

8.6.1. The application is accompanied by an NIS (Appropriate Assessment & Natura Impact Statement by Altermar Marine and Environmental Consultancy, dated 19<sup>th</sup> November 2019), which examines and assesses the potential adverse effects of the development as altered, comprising 550 units, on the following European Sites:

- North Dublin Bay SAC, 000206
- North Bull Island SPA, 0004006

8.6.2. The NIS was informed by the following studies, surveys and consultations: Desk top study; An examination of aerial photographs and maps; Site Visits and survey of

factory buildings; Habitats and Species Survey, including birds survey, survey along the river and survey for invasive species; Bat survey; Outline Construction Environmental Management Plan; and Consultations with Inland Fisheries Ireland.

- 8.6.3. The applicant's NIS was prepared in line with current best practice guidance and provides a description of the development (see section 8.4.8 above).
- 8.6.4. The NIS identifies and assesses possible adverse effects during construction and operational phases of the proposed development on the North Dublin Bay SPA and North Bull Island SPA in table 7 and on pages 49-50 of the submitted NIS. Details of mitigation measures, how and when they will be implemented are also detailed on pages 51-55. Ecological monitoring is also included for a number of mitigation measures which is in line with best practice. Mitigation and monitoring will be managed by the appointed site manager and the Outline Construction Environmental Management plan (CEMP) has been submitted which incorporates mitigation measures detailed in the EIAR and NIS.
- 8.6.5. The applicant's NIS concluded that no significant effects are likely on Natura 2000 sites, their features of interest or conservation objectives and states the following:

Construction and operation of the proposed development on the former Chivers site in Coolock will create localised light and noise disturbance. Standard Construction and operational phase controls will be in place to ensure there are no significant impacts on the Santry River which leads to conservation sites. Surface water discharge from site will be developed in accordance with the requirements of the Drainage Division as set out in the Greater Dublin Strategic Drainage Study's 'Technical Document on New Development' with regard to SUDS, DCC conditions and Water Pollution Acts. The proposed development site is within a significant urban area with existing both domestic and industrial pressures. The construction and presence of this development would not be deemed to have a significant cumulative impact. No significant impacts are likely on Natura 2000 sites, alone in combination with other plans and projects based on the implementation of standard construction phase mitigation measures. No in combination effects are foreseen. The proposed development site is within an urban environment with existing background noise and activity levels. In combination effects on

surrounding conservation sites or species/habitats of conservation importance are not likely to be significant’.

8.6.6. One submission was received from the prescribed bodies of the Development Applications Unit of Department of Culture, Heritage and the Gaeltacht (see section 5 above for summary of this submission).

8.6.7. Having reviewed the documentation available to me, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- North Dublin Bay SAC, 000206
- North Bull Island SPA, 0004006

#### **8.7. Appropriate Assessment of implications of the proposed development**

8.7.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

8.7.2. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.7.3. The following sites are subject to appropriate assessment:

- North Dublin Bay SAC, 000206
- North Bull Island SPA, 0004006

A description of these sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out in the NIS and outlined in table 1 above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives

supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

#### Aspects of the Proposed Development

- 8.7.4. The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites assessed include:
- Construction related pollution events and/or operational impacts on water quality, including from the introduction of suspended sediments or pollution associated with construction arising from site clearance, reprofiling, and demolition of structures, and site run off during operation.
  - Construction related noise and disturbance.

#### SAC and SPA – Potential Impacts and Mitigation

- 8.7.5. The potential for adverse impacts on the North Dublin Bay SAC and North Bull Island SPA are identified as being related to the introduction of suspended sediments of pollution into the Santry River and consequently downstream to the marine environment of North Dublin Bay SAC and North Bull Island SPA. Without standard construction and operational controls adverse impacts would be seen on the Santry River. Potential for adverse effects are considered in relation to the SAC and associated habitat area, distribution, structure, sediment supply and physical structure, as relevant, to each qualifying interest, and similarly the potential on the qualifying interests of the SPA.
- 8.7.6. There is no indication of contaminated material or material on site that could cause a significant environmental impact. The introduction of material from construction or operational activities would be deemed not to have a significant effect on European sites as there are no instream works, works in vicinity of the river are minor in nature and there would be dilution and settlement or silt, between the proposed works and the European sites.
- 8.7.7. During the site visits no flora, bird or terrestrial mammal species of conservation importance were recorded on site or in NPWS or NBDC records. While there will be loss to on-site habitats, as the landscaping elements improve with maturity it is anticipated that the biodiversity value of the site to birds and flora would improve, particularly in the vicinity of the green roofs and wildflower meadows.

- 8.7.8. As outlined in the ecological report “the proposed development will change the local environment as new structures are to be erected in place of the existing buildings, new roads and parking areas constructed and some of the existing vegetation will be removed. The removal of the onsite buildings will not negatively impact bats as none are present. No bat roosts will be lost due to this development and the species expected to occur onsite should persist.” Lighting on site may reduce the foraging activity on site but this would be expected to be a minor impact. Lighting is not proposed in the riparian corridor or in the vicinity of the treeline.
- 8.7.9. In terms of mitigation, standard construction and operational mitigation measures are proposed to prevent impacts on local water quality in the Santry River. The proposed works will be carried out based on best practice mitigation procedures and compliance with IFI requirements or conditions, including the prevention of silt and or pollutants entering watercourses. As existing drains are present on site, in proximity to the Santry River, a project ecologist is to appointed prior to works or site clearance commencing on site. All works in the riparian corridor will be carried out in consultation with IFI and the project ecologist following the best practice guidelines for construction in the vicinity of watercourses. All tanks and underground storage areas/tanks should be cleaned, existing services and drains on site leading to the Santry River should be blanked off/ or removed prior to the commencement of demolition on site. Toilet facilities will be supplied on site, away from drains and maintained regularly. Raw or uncured waste concrete will not be disposed of within 20m of a drain. Runoff from works including pumping from excavations should only be carried out in consultation with the project ecologist with mitigation in place for silt and petrochemical interception. No instream works are proposed. All works in the riparian corridor should have sufficient mitigation measures to prevent silt from runoff during works. This should include measures outlined by the project ecologist including silt fences and immediate landscaping of the riparian corridor following works. Spill kits will be present on all working sites to clean up spillages. A record of all spillages will be kept and monitored. Generators and small plant will not be used within 10m of drains. All mobile plant to be refuelled in a central refuelling area in a compound, at a minimum of 50m from a watercourse, where a spillage containment sump will be constructed within the refuelling area. All collected fuel will be disposed offsite under license. Stockpiling of loose materials and soil will be kept to a

minimum of 20m from watercourses and drains. In the event that stockpiles are required, they will have suitable barriers to prevent runoff of fines into the drainage system. Damping down of stockpiles will need to take place in dry windy weather to prevent wind-blown movement of fines. Fuel, oil and chemical storage should be sited within a bunded area. The bund will be able to take the volume of the largest container plus 10% and be located at least 10m away from drains, ditches, excavations and other locations where it may cause pollution.

8.7.10. In terms of ecology, mitigation includes, inter alia, following guidelines and legislation (Section 40 of the Wildlife Acts, 1976 to 2012) in relation to the removal of trees and timing of nesting birds; bird boxes to be placed on site in the vicinity of newly planted trees; a pre-construction bat survey to be carried out; and an Invasive Species Management Plan to be prepared in compliance with best practice; appropriate storage and settlement facilities; fuel, oils and Chemicals will be stored on an impervious base with a bund establishment of a riparian buffer of 10m will be established, landscaped and marked out prior to site clearance works on the remainder of the site; and use of silt barriers and fences.

8.7.11. A SUDS has been proposed, with provision for additional measures such as petrochemical interceptors and silt interception. Standard construction phase and operational controls in relation to onsite drainage will be in place and no impact is foreseen in relation to designated conservation sites.

8.7.12. I note that a submission has been received from the Department of Culture, Heritage and the Gaeltacht, Development Applications Unit which recommends conditions which are already in place in the submitted EIAR and NIS, with the exception of a condition recommended in relation to otters. I note the DAU submission under ABP-304346-19 related to archaeology only. The condition proposed in this submission states 'That the applicant should install an artificial otter holt in a bank of the Santry River on the site, its design, exact location and surrounding planting to be agreed in writing with the Dublin City Council Biodiversity Officer'. The report states 'Recent survey work for Dublin City Council has also shown that the Santry River is still being frequented by otters (Macklin, R., Braxier, B. and Sleeman, P. 2019 Dublin City Otter Survey). The otter is a species subject to a regime of strict protection under the Habitats Directive'. No evidence in the NIS submitted under ref. ABP-304346-19 or this application has indicated otter on the site and it stated within the NIS, on the

basis of survey work, that “no flora, bird or terrestrial mammal species of conservation importance were recorded on site or in NPWS or NBDC records”. I have reviewed the otter survey quoted in the department submission and note that otter spraint occurred along the Santry River upstream and west of the application site, in the area of Coolock Lane Park. The survey notes the very urbanised environment of the Santry River in the area of the site and the NIS submitted notes the ‘paucity of biodiversity’ and states ‘no fish, invertebrates or instream vegetation of significance was noted’ along this section of the river. I consider the mitigation measures as set out, which are the same as those set out in the original NIS document submitted under ABP-304346-19, to be appropriate and adequate and while a condition in relation to otter is not required for the maintenance/management of the species, it would nonetheless be supportive of the natural biodiversity of the area and this species given the improvements proposed to the river environment and its banks in this area. I therefore consider it appropriate to include such a condition.

8.7.13. Overall, I consider that the proposed mitigation measures, which are summarised in in table 7 and on pages 49-50 of the submitted NIS, are clearly described, and precise, and definitive conclusions can be reached in terms of adverse effects on the integrity of European sites based on the mitigation measures submitted. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short, medium and longer term and the method of implementation will be through a detailed management plan.

#### In-Combination Effects

8.7.14. The NIS considers in-combination effects and other developments in the immediate area. It is note that the land proximal to the site is industrial (primarily the adjacent Cadburys site), “light industrial” (Staffords Funeral home on Greencastle Road), residential and amenity/opens pace in the vicinity of the Santry River. The NIS consider the application for permission for development at a 1.97 Ha site at the Crown Paints Facility, Nos. 1 - 3 Malahide Road, Coolock, Dublin 17, which was granted in 2018 for a development in 8 no. blocks, comprising 198 no. residential apartments, a hotel, an aparthotel, crèche, office/incubator units and retail. No significant additional development has taken place in the vicinity of the proposed development site, which has remained derelict for many years.



8.7.15. Having regard to the scale, location and distance of the projects to the nearest ecological receptors, in-combination effects are not anticipated.

Appropriate Assessment Conclusion

8.7.16. The proposed residential development at Coolock has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.7.17. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European Site No. 000206 (North Dublin Bay SAC) and 0004006 (North Bull Island SPA). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

8.7.18. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 000206 (North Dublin Bay SAC) and 0004006 (North Bull Island SPA), or any other European site, in view of the sites Conservation Objectives.

8.7.19. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of North Dublin Bay SAC and North Bull Island SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of North Dublin Bay SAC and North Bull Island SPA.

## **9.0 Environmental Impact Assessment**

### **9.1. Introduction**

9.1.1. An EIAR was submitted and an EIA undertaken in relation to the proposed development under permission ABP-304346-19. The submitted EIAR with this

application for alterations is based on an overall total number of 550 units, whereas the EIAR previously submitted was in relation to a total number of 495 units.

- 9.1.2. I have examined the EIAR submitted against that previously submitted and considered the likely significant effects of the proposed alterations on the environment.

## 9.2. **Statutory Provisions**

- 9.2.1. The development provides for 550 residential units, a creche, a gym and a cafe. The site is located within the urban area of Coolock in Dublin.
- 9.2.2. An EIAR was submitted under ABP-304346-19 in accordance with Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, which provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve more than 500 dwelling units. While the development under ABP-304346-19 was under 500 units, an EIAR was submitted. The proposed alterations will result in a development of 550 units, which is a material alteration to ABP-30434619, therefore the applicant has resubmitted the EIAR. While in accordance with Section 146(B)(3A), the applicant is required to submit information on the characteristics of the alteration under consideration and its likely significant effects on the environment, the applicant has resubmitted the entire EIAR, with the alterations considered in the context of the development being 550 units, as opposed to focusing on the specific characteristics of the alteration.
- 9.2.3. The submitted EIAR is laid out in three volumes. Volume 1 comprises the non-technical summary, volume 2 comprises the EIAR and volume 3 comprises the appendices. Chapter 1 sets out the introduction and methodology including a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a description of the site, context, and proposed development. Chapter 3 examines alternatives. Chapter 14 examines potential of interactions between the various factors. Chapter 15 provides a summary of mitigation measures.
- 9.2.4. I have carried out an examination of the information presented by the applicant, including the EIAR, and the one submission made during the course of the application (summarised in section 5 of this report above). The main issues raised

specific to EIA, are the same as those considered under ABP-304336-19, which remain relevant, and can be summarised as follows:

- Impacts to population and human health
- Landscape and visual impact
- Impacts on material assets in particular, the road network

9.2.5. I note the submitted EIAR does not specifically refer to Major Accidents/Disasters. While this is an omission from the EIAR, I consider there to be sufficient information submitted to assess this issue. It is noted that the site is not in an area prone to natural disasters. A Construction Environmental Management Plan (CEMP) has been submitted as part of this application, which will reduce the risks of major accidents and disasters to human health. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that the risk of major accident is very low. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself.

9.2.6. The description of the consideration of alternatives in the EIAR regarding layout and design is considered reasonable in terms of the requirements of the Directive.

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

9.2.8. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes and the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.

### 9.3. **Likely Significant Direct and Indirect Effects**

9.3.1. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected

effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

- 9.3.2. I have reviewed the EIAR in relation to the above factors. The impacts are the same for each factor as identified in the EIAR under application ABP-304346-19. The mitigation measures proposed are also the same as those originally proposed under application ABP-304346.
- 9.3.3. I note the increase in residential units proposed equates to an additional 11% over what was originally permitted. No changes to the landscape and architectural design and the extension of the Santry River Linear Park are proposed. The number of cars facilitated in the development will be reduced therefore no increase in traffic is anticipated above what was previously assessed. The proposed upgrades to the Oscar Traynor Road / Coolock Drive signalised junction remain the same. The proposed alterations do not increase the footprint of the development, and do not significantly increase or affect the anticipated construction or operational impacts of the development.
- 9.3.4. I am satisfied that the potential effects of the development in terms of population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the landscape, as described and assessed in the EIAR submitted and as per the EIAR assessed under ABP-304346-19, would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the aforementioned factors listed under Article 3(1).

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

- 9.3.5. Having regard to the examination of environmental information submitted, in particular to the EIAR and information provided by the developer, the submission from the prescribed body in the course of the application, and the assessment of the development for 495 units as permitted under ABP-304346-19, it is considered that the main significant direct and indirect effects of the proposed development on the environment remain the same and are as follows:

- Residual Landscape and visual impacts will be mitigated through the design and the integration of the landscape and architectural design and the extension of the Santry River Linear Park,
- Traffic and transport impacts will be mitigated through the provision of an upgrade to the Oscar Traynor Road / Coolock Drive signalised junction in order to assist to reduce traffic speeds by reducing the widths of the individual approaching lanes of the northern and western arms and through the Introduction of pelican pedestrian crossing features along Coolock Drive and Greencastle Road in order to provide a more pedestrian friendly environment, and hence reduce traffic speeds of oncoming traffic and also through the preparation of a Mobility Management Plan, which outlines a series of measures to reduce the reliance on private vehicular modes of transport for future residents.
- Noise impacts during construction which will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures; limited hours of construction; ongoing contact with local residents and monitoring of typical noise levels.
- Dust impacts during construction which will be mitigated by a dust management plan.
- Biodiversity impacts on birds and bats which will be mitigated by construction management measures.
- Biodiversity impacts related to the loss of existing trees at the site which will be mitigated by the proposed landscaping scheme.

Having regard to the above, the likely significant environmental effects arising as a consequence of the alterations have been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or require substantial alterations to it.

#### **9.4. Material Contravention Statement**

- 9.4.1. I note the submitted material contravention statement addresses the issue of building height. A material contravention statement was also submitted in relation to this issue under ABP-304346-19 and was assessed by the Board under their direction on that application, whereby it was stated that “the Board considered that a grant of permission is warranted in accordance with section 37(2)(b)(iii) of the Planning and

Development Act 2000, as amended, having regard to the provisions in favour of higher buildings set out in the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Minister under section 28 of the Act in December 2018 and the compliance of the proposed development with SPPR 3 of those guidelines”.

- 9.4.2. I am satisfied that the proposed alterations (which do not exceed the height assessed under ABP-304346-19) and the revised material contravention statement adequately addresses the issue of height and no additional material contravention issues arise with the proposed alterations to this development.

## 10.0 Recommendation

- 10.1.1. Having regard to the above assessment, I recommend that in accordance with subsection (3)(b)(ii) of section 146B of the Act 2000 (as amended) the Board – (II) make the alteration, subject to condition, for the reasons and considerations set out below.

## 11.0 Reasons and Consideration

Having regard to:

- (a) the site’s location within the built-up area of Dublin in proximity to a range of services and facilities including the bus corridor along the Malahide Road;
- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning of the site for residential use under objective Z1;
- (c) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-304346-19 for this site,
- (d) the appropriate assessment and environmental impact assessment carried out in the course of this application,
- (e) the nature and scale of the alterations, and
- (f) the absence of any significant new or additional environmental effects (including those in relation to European sites) arising as a result of the proposed alterations, and

- (g) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations,
- (h) the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement (incorporating Appropriate Assessment Screening),
- (i) the objectives of the National Planning Framework in particular objectives 3b, 11, 27, 33 and 35;
- (j) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (k) the provisions of the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Department of Housing, Planning and Local Government in December 2018;
- (l) 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;
- (m) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (n) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013; and
- (o) the submission received,

it is considered that the proposed alterations would be material and, subject to compliance with conditions, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience.

## 12.0 Recommended Draft Order

**REQUEST** received by An Bord Pleanála on the 22<sup>nd</sup> day of November 2019 from McCutcheon Halley on behalf of Platinum Land Ltd. under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at the Former Chiver's site between Coolock Drive and Greencastle Road, Coolock, Dublin 17, which is the subject of a permission under An Bord Pleanála reference number ABP-304346-19.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 13th day of August 2019,

**AND WHEREAS** the Board has received a request to alter the terms of the development which is the subject of the permission,

**AND WHEREAS** the proposed alterations are described as follows:

- Facilities Building – Crèche moved to ground floor. Gym and associated changing rooms moved to first floor. Outdoor gym space added to first and second floor.
- Blocks A1 and A2 (90 units per block) – Height changed from permitted 6, 8 and 9 storeys to 6, 8 and 10 storeys, resulting in reduction from 196 apartments to 180 apartments, and addition of laundry space and concierge to ground floor level. Change in elevation materials in tower element from white to grey stone.
- Block B – Removal of ground level parking and podium courtyard at first floor; duplex units removed; apartment cores amended to improve efficiencies; increase in number of apartments from 173 to 213 units; new residents lounges; co-working space, laundry and reception with post room added; reconfiguration of central bar to allow for one central courtyard; wider pedestrian entrances to courtyards; minor façade changes including fenestration and materials.
- Block C – removal of ground level parking and podium courtyard at first floor; duplex units removed; apartment cores amended to improve efficiencies; increase in number of apartments from 126 no. to 157 no. units; wider pedestrian entrances to courtyards; minor façade changes including fenestration and materials; new basement car park entrance; new resident lounge, laundry and concierge.



- Basement – slight increase in area from 11,707 sqm to 11,753 sqm; increase in number of car parking spaces including stacked car parking, from 181 spaces to 308 spaces; stacked bicycle parking added to maximise space efficiency; new basement entrance for cars; reconfiguration of bins storage and plant to co-ordinate with changes to internal cores within the blocks.

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** the Board decided, in accordance with section 146B(3)(b)(i) of the Planning and Development Act 2000, as amended, to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional information to be submitted in relation to net density, compliance with national guidance and the Dublin City Development Plan, dual aspect units, additional CGIs and photomontages,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(b)(ii)(II) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered, in accordance with the plans and particulars received by the Board on the 29<sup>th</sup> June 2020 and on 28<sup>th</sup> August 2020, subject to the alteration of conditions 1 and 4 of ABP-304346-19 as follows:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 28<sup>th</sup> day of August 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the

developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

4. The proposed development shall be amended as follows:

(a) The westernmost 10 storey element of Block A1 and the westernmost 10 storey element of Block A2 shall be reduced by the omission of two intermediate floors to a maximum of 8 storeys.

(b) Details and samples of the materials, colours and textures of all finishes to Blocks A1, A2, B and C shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(c) The pedestrian gates at the entrances to Blocks B and C shall be omitted and no pedestrian gate or barrier shall be permitted at the pedestrian entrances to Blocks B and C.

(e) The stacked car parking spaces shall be omitted from the basement level and replaced with standard car parking spaces.

(f) Full details of the internal layout of the creche, which shall accommodate 75 children, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

(g) An artificial otter holt shall be installed in a bank of the Santry River on the site. Its design, exact location and surrounding planting shall be agreed in writing with the planning authority.

Revised plans and particulars shall be submitted to and agreed in writing with the planning authority prior to commencement of works.

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

### **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**

Having regard to:

- (a) the site's location within the built-up area of Dublin in proximity to a range of services and facilities including the bus corridor along the Malahide Road;
- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning of the site for residential use under objective Z1;
- (c) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-304346-19 for this site,
- (d) the appropriate assessment and environmental impact assessment carried out in the course of this application,
- (e) the nature and scale of the alterations, and
- (f) the absence of any significant new or additional environmental effects (including those in relation to European sites) arising as a result of the proposed alterations,
- (g) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations,
- (h) the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement (incorporating Appropriate Assessment Screening),
- (i) the objectives of the National Planning Framework in particular objectives 3b, 11, 27, 33 and 35;
- (j) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (k) the provisions of the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Department of Housing, Planning and Local Government in December 2018;
- (l) 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;

- (m) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (n) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (o) the submission received, and
- (p) the report of the Board's Inspector

### **Appropriate Assessment: Stage 1**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than European Site No. 000206 (North Dublin Bay SAC) and 0004006 (North Bull Island SPA), which are European sites for which there is a likelihood of significant effects.

### **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development on European Site No. 000206 (North Dublin Bay SAC) and 0004006 (North Bull Island SPA), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

### **Environmental Impact Assessment**

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

- (a) The nature, scale, location and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted with the application;
- (c) The submission received from the prescribed body and the applicant's further submission in the course of the application;
- (d) The Inspector's report;

The Board agreed with the summary of the results of consultations and information gathered in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submission made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various

environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

### **Reasoned Conclusions on the Significant Effects:**

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

- Residual Landscape and visual impacts will be mitigated through the design and the integration of the landscape and architectural design and the extension of the Santry River linear park.
- Traffic and transport impacts will be mitigated through the provision of an upgrade to the Oscar Traynor Road / Coolock Drive signalised junction in order to assist to reduce traffic speeds by reducing the widths of the individual approaching lanes of the northern and western arms and through the Introduction of pelican pedestrian crossing features along Coolock Drive and Greencastle Road in order to provide a more pedestrian friendly environment, and hence reduce traffic speeds of oncoming traffic and also through the preparation of a Mobility Management Plan, which outlines a series of measures to reduce the reliance on private vehicular modes of transport for future residents.

- Noise impacts during construction which will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures; limited hours of construction; ongoing contact with local residents and monitoring of typical noise levels.
- Dust impacts during construction which will be mitigated by a dust management plan.
- Biodiversity impacts on birds and bats which will be mitigated by construction management measures.
- Biodiversity impacts related to the loss of existing trees at the site which will be mitigated by the proposed landscaping scheme.

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

The Board considers that the proposed alterations would be material and, subject to compliance with conditions, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience.

The Board considered that a grant of permission for the proposed Strategic Housing Development would materially contravene the Dublin City Development Plan 2016-2022 in respect of building height. The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Dublin City Development Plan 2016-2022 would be justified. The proposed development is in accordance with Specific Planning Policy Requirement (SPPR) 4 of the Urban Development and Building Height Guidelines and in compliance with section 3.6 of the guidelines. The design strategy as it relates to scale, mass and height of the proposed structures, at this highly accessible location, represents an appropriate design response to the site's locational context and to the established character and pattern of development of the area, and the large open space/ parkland to the

northern reach of the site provides an appropriate setting for increased height at this location. The building height is therefore justified.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and in accordance with section 146B(3)(b)(ii)(II) of the Planning & Development Act, as amended. The Board hereby makes the said alterations, subject to amendment of conditions 1 and 4 of ABP-304346-19.

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Una O'Neill  
Senior Planning Inspector

3<sup>rd</sup> December 2020