



An
Bord
Pleanála

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

Inspector's Report ABP-306721-20

Strategic Housing Development

124 build to rent apartments and all associated site works.

Location

Lands at Bonnington Hotel, Swords Road, Whitehall, Dublin 9.
(www.ocaverdedublin.com)

Planning Authority

Dublin City Council.

Applicant

Roseberry Investments Limited.

Prescribed Bodies

Transport Infrastructure Ireland
National Transport Authority
Irish Water
Department of Culture, Heritage and the Gaeltacht
Heritage Council

An Taisce.

Observer(s)

33 submissions, listed at Appendix A.

Date of Site Inspection

6 May 2020.

Inspector

Stephen Rhys Thomas

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is in a suburban area c4km north of Dublin city centre. It has a stated area of 0.65ha and consists almost entirely of the surface car park behind and to the east of the Bonnington Hotel and Leisure Centre. The access to the site from the Swords Road c200m to the west runs along the southern side of the hotel. It also provides the access to an apartment scheme that occupies the land to the east of the site. The access to the apartment complex known as Gracepark Manor is gated just south of the site. The adjoining apartment scheme to the east includes a 5 storey block whose long axis is parallel to the site boundary behind a coniferous hedge boundary. The northern boundary of the site adjoins a former convent currently used for emergency accommodation, known as High Park.
- 2.2. The site slopes gently upwards from the southern boundary of the site, but on the whole the site is more or less level. There are no significant level changes between the site and adjacent lands. There is a notable coniferous hedge to most of the site boundaries apart from the undefined boundary of the site with the access road and surface car parking adjacent to the hotel. The hotel to the west is a combination of buildings up to six storeys in height. A private hospital is located to the north and west of the site and suburban style housing aligns the access street to the site. The site lies over the Dublin Port Tunnel.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of a Build to Rent residential apartment scheme. The development is arranged in a single block ranging in height from 5-6 storeys, between 17.8 metres and 22 metres above ground level. The detail of the proposed development can be summarised as follows:
- 48 one bed units at between 51.5 and 57.6 sqm

- 76 two bed units at between 75.2 and 91.2 sqm
 - 9 three person units and 67 four person units.
 - 41% of units have dual aspect orientations
- 3.2. The development incorporates internal amenity facilities in the form of a children's room, activity room, reading room, meeting room, DIY room, garden room, and coffee dock as well as management office and post room at lower ground floor levels – 268 sqm.
- 3.3. External amenity includes landscaped open space including seating, a play area and a primary shared pedestrian and bicycle entrance at the site's south west corner – 2,628 sqm.
- 3.4. An under-croft car park accessed via a ramp adjacent to the site's vehicular entrance, provides 54 car parking spaces. A total of 150 bicycle spaces are provided at ground level, of which 80 spaces are enclosed within a service building which includes a refuse store.
- 3.5. A separate parcel of land, extending to 0.05ha, at the entrance to the Seven Oaks residential development is included to facilitate road improvement works,
- 3.6. Total site area of 0.65ha. Residential density of 219 units per hectare.

4.0 Planning History

- 4.1. There is no planning history for residential development on the site itself. There have been numerous planning applications relating to the hotel.
- 4.2. Relevant Planning Applications in the vicinity include:
- 4.3. An Bord Pleanála reference number **ABP-304061-19** - permission granted under the SHD process for 101 residential units on the adjoining site to the north on 12 July 2019. A notable planning condition includes:

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

development, noise management measures and off-site disposal of construction/demolition waste.

(b) The Construction Management Plan shall include written approval from Transport Infrastructure Ireland with regards to any mitigation measures to protect the Dublin Tunnel during construction and locations of tower cranes.

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

- 4.4. PA reference number **4198/19** – permission refused for the demolition of an existing single storey building, (565 sq.m) in use as a retail unit, to the front of the Bonnington (formerly Regency) Hotel and the construction of a 5, 6 and 7 storey building as a separate room only hotel with a double basement with 142 car parking spaces and 76 bicycle spaces for use by the hotel. The proposed development will also contain services and all other ancillary works to service the hotel and will involve the reconfiguration of the existing car parking and landscaping to the existing hotel. Decided on the 22 May 2020.

1. *The subject site is located in an area with the zoning objective Z1 'Sustainable Residential Neighbourhoods' with the landuse objective 'to protect, provide and improve residential amenities' under the Dublin City Development Plan 2016 - 2022. Hotel use is open for consideration under the Z1 zoning objective, subject to compliance with the overall zoning objective. The development as proposed, in conjunction with the existing hotel use on site, would result in significant intensification of activity on the site, including late night activity, and by reason of noise and general disturbance would seriously injure neighbouring residential amenity and contravene materially a development objective indicated in the development plan for the zoning of land and would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The subject site is located in an area with the zoning objective Z1 'Sustainable Residential Neighbourhoods' with the landuse objective 'to protect, provide and improve residential amenities' under the Dublin City Development Plan 2016 – 2022. Hotel use is open for consideration under the Z1 zoning objective, subject to compliance with the overall zoning objective. Having regard to the design and layout of the proposed access arrangements for the*

site and basement car park, the proposed development would result in potential vehicular and pedestrian conflict at the entrance of the site and the level of intensification of activity proposed would give rise to unacceptable levels of overspill parking on the adjoining access road and surrounding roads in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.5. An Bord Pleanála Reference number - **PL29N.203824**, PA ref 4378/02 – Permission granted for 162 apartments in 3, 4 and 5 storeys with underground car parking, ESB substation, new entrance gates and site works on lands at rear of “The Cloisters”, Grace Park Road, Dublin 9, along the planned alignment of the Dublin Port Tunnel. A notable condition includes:

4. The proposed development shall comply with the requirements of the planning authority in relation to the construction of the Dublin Port Tunnel. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 11 February 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-303308-18. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.
- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
1. A housing quality assessment in line with the 2018 Guidelines on Design Standards for New Apartments and set out how the proposed apartments comply

with the various requirements of those guidelines and its specific planning policy requirements in particular those relating to build-to-rent schemes, to 3-person 2-bedroom apartments and to the privacy required for ground floor apartments and their private open space.

2. A site layout plan showing the proposed development in the context of existing, permitted and planned development on adjoining sites. The plan should also show pedestrian links through the site and towards the Swords Road. Details should be provided of the width and extent of footpaths and any gaps across junctions and parking areas, and of any proposals to address the hostile pedestrian environment between the site and the Swords Road or to facilitate links from lands along the Grace Park Road to the Swords Road.

3. An assessment of the proposed development in relation to the structural stability of the Port Tunnel in accordance with appendix 6 of the Dublin City Development Plan 2016-2022.

4. An archaeological impact assessment which has due regard to the previous institutional uses on the site and adjoining land.

5. A daylight/sunlight analysis describing the light that would be available to the apartments and open spaces in the proposed development and its impact on the light available to dwellings on adjacent sites.

6. A report demonstrating compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018 in accordance with SPPR3 of those guidelines.

7. A Site Specific Flood Risk Assessment Report.

8. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.

9. A draft construction management plan

10. A draft waste management plan.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- Transport Infrastructure Ireland

- National Transport Authority
- Irish Water
- Department of Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce

5.4. Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.5. **Applicant's Statement**

5.5.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

6.0 **Relevant Planning Policy**

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

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

6.2. **Section 28 Ministerial Guidelines**

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

- ‘Urban Development and Building Height, Guidelines for Planning Authorities’. 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.3. Local Policy

6.3.1. The site has the standard residential zoning objective ‘Z1 – To protect, provide and improve residential amenities’, under the Dublin City Development Plan 2016-2022.

6.3.2. Development plan section 8.5.10 Dublin Port Tunnel. Policy MT22:

“To require the submission of a Development Assessment for all development proposals located in the vicinity of both Dublin Port Tunnel, the proposed DART Underground protected corridor, or any proposed public transport tunnel. Detailed requirements for Dublin Port Tunnel are set out in Appendix 6, and Iarnrod Eireann should be consulted in relation to heavy rail.”

6.3.3. Chapter 16 development standards. The following are noted in particular:

- 16.3.3 10% public open space requirement for all residential schemes.
- 16.4 density standards. No maximum density. Target of 100 units / ha in the Housing Strategy.
- 16.5 plot ratio. Permissible plot ratio for Z1 outer city is 0.5 – 2.0.
- 16.6 site coverage. Z1 indicative site coverage 45%-60%

- 16.7 building height. The site is not located in an area designated as suitable for taller buildings, e.g. and LAP, SDZ or SDRA, therefore the 'low rise' category applies. A height limit of 16m applies for residential development in the outer city.

6.3.4. Development plan map J strategic transport and parking areas. The entire development site is within zone 3. Table 16.1 car parking standards:

- 1 space / 100 sq.m. GFA office space.
- 1.5 / dwelling
- 1 space / 10 bedspaces of Institutional Residential use
- 1 space / 2 dwellings sheltered housing

Table 16.2 cycle parking standards:

- 1 per residential unit all zones
- 1 space / 200 sq.m. offices.

6.4. **Applicants Material Contravention Statement**

6.4.1. The applicant sets out that the proposed development may materially contravene the City Development Plan with respect to building height. The applicant states that the rationale for increased height at this location goes beyond the specific height limits set out in the Development Plan and should be considered in the context of the site context, the 'Urban Development and Building Heights – Guidelines for Planning Authorities' and national policies to increase residential densities. Specifically, the applicant sets out that the site is well connected to public transport networks, respects the design and scale of permitted and existing development in the immediate vicinity and the building design and public realm improvements will benefit the area.

7.0 **Third Party Submissions**

7.1. 33 valid submissions were received, most were made by individuals containing similar themes and concerns, some were from residents' associations and businesses. Most observations revolved around the existing traffic congestion; that the proposed development should take account of current planning applications at the hotel; and that the proposed apartment development will impact upon the

residential amenity of existing property. None supported the principle of build to rent residential development at this location. In broad terms the planning issues can be summarised as follows

- Masterplan – there is a lack of a masterplan for the Bonnington Hotel lands and this has resulted in uncoordinated and piecemeal development. The site should not be considered as a brownfield infill site as it is located on Holy Ground associated with the adjacent convent. The wider planning context of the site has not included recent decisions not to rezone lands in the vicinity because of density constraints and lack of an LAP.
- Traffic and Parking – the proposed development will make the current traffic situation even worse. At particularly busy times at the hotel it takes an excessive amount of time to exit on to the Swords Road, between 10 and 30 minutes at peak times. The removal of the existing car park will have an impact on the existing planning permissions for the hotel. The Traffic Assessment Report submitted by the applicant is criticised and it does not take into account permitted and pending planning applications.

Existing rights of way over the access road may be affected. There may be problems with vehicular and pedestrian access rights to the site along the existing access road, as this is in private ownership. The construction phase of development will present traffic conflicts. During the operational phase it is unclear how commercial delivery traffic will access this site and service the hotel without causing traffic conflicts. Changes to the junction of the private access road with Seven Oaks estate will cause even more traffic problems and congestion.

The reduction of existing parking and the low level of car parking provision planned will lead to sporadic overspill parking in the vicinity. This is already a problem at busy times at the hotel and other events in the vicinity and leads to traffic congestion. The lack of enough bicycle parking spaces will result in greater car use.

- Residential Amenity – the lack of open space will create a poor living environment for residents. The scale of the proposed development will impact on access to daylight and sunlight for nearby residences. The proposed

development will overlook adjacent property and lead to loss of privacy and impact upon the mental health of patients at Highfield Healthcare. The development will likely increase the level of noise and this will cause a nuisance to adjacent property.

- Social infrastructure - The residents will be a transient population and no community based benefits will result from the proposed development.
- Dublin Port Tunnel – the proposed development will impact the Dublin Port Tunnel. No Basement Impact Assessment has been submitted, as required by the Dublin City Development Plan.
- Water Services – the proposed development will impact on the already poorly functioning foul sewers in the area. Much detail is provided as to how previous hotel development in the area breached planning conditions and connected to foul services without permission.
- Residential Density – the high level of residential density and the public health consequences (such as the impact of pandemics) have not been assessed.
- Site Context and Legacy – the site was previously the location of St Mary’s graveyard associated with the former Magdalene Laundry at High Park. The graveyard was exhumed; however, subsequent planning applications required the erection of a memorial, this has not taken place and should form part of this current application.
- Biodiversity – two large trees will be removed, and this will impact local biodiversity.

Some observations included detailed drawings, maps and colour photographs to illustrate current issues in and around the site.

8.0 Planning Authority Submission

- 8.1. The Chief Executive’s report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 17 June 2020. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected

members of the North Central Area Committee Meeting held on the 20 March 2020, and is outlined as follows:

- In relation to meeting development plan zoning objectives and the residential amenity of the wider area, elected members were concerned that a build to rent model of accommodation would not be sustainable at this location and not contribute to the local community.
- It is not certain if the proposed development will deliver children's play space or make pedestrian connections from the Swords Road to Grace Park Road.
- The proposed height and density fails to meet the requirements of the development plan and residential amenity standards are unsatisfactory.
- The impact on the Port Tunnel has not been adequately addressed.
- The development of the site will lead to traffic congestion and overspill car parking. An overall effective Traffic Management Plan is essential.
- Social amenities are lacking from the proposed development and local facilities may not be able to accommodate future occupants.

The majority of councillors do not favour the proposed development and recommend its rejection as it is based on a short term build to rent model which is based on a transient community and is not sustainable in the long term.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

- 8.2.1. Principle – Zoning and Site Designations – In broad terms there is little difference between build-to-sell and build-to-rent apartments. The proposed development complies with the zoning objective, and the planning authority is satisfied with the proposed residential use on the site.
- 8.2.2. Height, Scale and Design – The proposal for heights of between 17.8 metres and 22.0 metres would materially contravene the Dublin City Development Plan 2016-22. However, the planning authority notes the recent changes in national policy on building height, in particular the publication of the Urban Development and Building Height Guidelines (December 2018). The application site is not identified in the development plan as a geographic location for greater height, the planning authority

has regard to the (i) assessment criteria for height as set out in the DCDP 2016 – 2022 and the (ii) Urban Development and Building Height Guidelines for Planning Authorities 2018. The site is well connected by public transport and the site is not an architecturally sensitive area. As a backland site, the building does not interrupt any key views or create obtrusive impacts over the wider area. The proposal, with well landscaped accessible grounds and increased pedestrian and cycle permeability, would make a positive contribution to placemaking. There are some issues regarding overlooking and privacy enjoyed by existing development (and future development), but the height of the proposed development would not unduly impact on existing neighbouring residential amenities, or be detrimental to the proper planning and sustainable development of the area.

8.2.3. Density, Site Coverage and Plot Ratio – At 219 units per hectare, the density is acceptable. Whilst the site is not central, it is accessible, and comprises an infill site in a well-serviced area, in reasonable proximity to a number of high employment centres. For site coverage, development plan indicative standard is 45% - 60% for Z1 lands. The proposal for 39% site coverage is slightly below the quantitative standard and the planning authority has no objection to same. Regarding plot ratio, development plan standard is 0.5 - 2.0 for Z1 lands. The proposal has a plot ratio of 2.0, is at the upper end of the development plan standard, and the planning authority has no objection to same.

8.2.4. Residential Quality Standards – The Ministerial Guidelines permit deviation from a number of the standards for Build to Rent developments (restrictions on dwelling mix; provision of private amenity space and storage space; reduced car parking; overall minimum floor area; and the maximum number of apartments per floor per core) the development complies with the normal standards on dwelling mix, and achieves the higher standards required of regular (build-to-sell) apartments in the design of the blocks, having regard to floor areas, provision of private open space and storage space, and the maximum number of units per core. The PA consider that the site can perform better in relation to dual aspect ratio, 50% dual aspect apartments should be delivered. Some apartment types are offered to be dual aspect, but the PA calculates the number of genuinely dual aspect apartments at 41 in number, or 33%. In terms of daylight/sunlight, the PA highlight that some living spaces are not well designed to make the most of light available.

- 8.2.5. Pedestrian and Cycle Permeability – The PA note that a recent SHD application on the High Park site to the north, there was a willingness to create a link, and a path was laid out to facilitate same. The designing-in of the access points at this stage of development is welcomed by the planning authority.
- 8.2.6. Private, Communal and Public Open Space – On the whole, an appropriate quantum and depth of private amenity space is provided. Some apartments show balcony doors leading from bedrooms rather than living areas, but could be corrected by condition. Public open space, whilst offered, it is not considered acceptable and a contribution is required. Communal open space is broadly acceptable, play space details should be provided.
- 8.2.7. Resident Facilities – Broadly acceptable, the Planning Authority requests that a condition is attached to any grant which requires that the resident facilities shall be occupied as part of the development and shall not be occupied as separate, commercial facilities.
- 8.2.8. Part V – subject to correction of drafting errors, further engagement with the Housing and Community Services section of Dublin City Council required by condition.
- 8.2.9. Childcare Facility - A crèche and childcare audit has been submitted as part of a community and crèche audit, a childcare facility within the scheme is not included. The applicant's demographic analysis shows no need for a childcare facility. The children's room, coffee dock, and activity/games room provided on the ground floor as part of the residents' facilities could provide an appropriate location for parent and toddler groups, or other sessional and casual childcare needs.
- 8.2.10. Social Audit and School Capacity Assessment – the small impact of the development on local community infrastructure is noted, but with the provision of residents' facilities on site, and given the lack of immediately adjacent community facilities, such facilities may also be of benefit to the local community. This can be dealt with by way of condition.
- 8.2.11. Transportation - no objection to the principle of the development, a number of conditions to be attached in the event of a grant would address minor design concerns.

8.2.12. Archaeology – the limited archaeological potential of the site is noted. However, the cultural significance of the former burial site is noted and a condition regarding the erection of a suitable memorial is suggested.

8.2.13. Third Party Concerns – issues raised by the TII and the Port Tunnel and impact on tress can be addressed by condition. Existing car parking conflicts associated with the hotel are noted. It is expected that the hotel will adjust parking rates, marketing, advertising, and parking control, to manage the expectations of their guests regarding car parking. While the Transport Planning Division shared the third party concerns regarding overspill car parking, the level of overspill parking likely from the existing hotel can be dealt with by enforcement, or by parking control bye-laws.

8.2.14. AA and EIA - This is a matter for An Bord Pleanála to consider, as the competent authority for this application.

8.3. The planning authority conclude that the proposed development is acceptable subject to the attachment of 29 conditions. In accordance with the requirements of section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions. The planning authority recommend standard and technical conditions in common with larger residential schemes. However, the planning authority include specific conditions to address points made in their report as follows: amendments to a number of units to meet residential amenity concerns, the making of resident's amenity spaces open to the wider community, details of the opening hours of connecting pedestrian accesses through the site and onwards to Swords Road, appropriate memorial treatment of the site and to ascertain the requirements of TII in the implementation of permission.

8.4. Interdepartmental Reports

The reports of the Housing and Community Services, Transportation and Planning Division, Parks and Landscape Services, Drainage Division and the City Archaeologist, their recommendations are incorporated into the conditions suggested by the planning authority.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Transport Infrastructure Ireland
- National Transport Authority
- Irish Water
- Department of Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 24 February 2020. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. The applicant has not submitted design proposals for evaluation by Irish Water and Irish Water has been unable to issue a Design Statement of Acceptance. Connection to the public water and wastewater networks should be from/into Seven Oaks Estate infrastructure. This is via third party land (from the road side) which the applicant is responsible for obtaining the appropriate permissions and consents.
- **Transport Infrastructure Ireland (TII)** – The proposal is located within Zone 1 and Zone 2 of the Dublin Tunnel Assessment criteria. There are important special requirements which relate to structural engineering of any proposed development that lies over the tunnel corridor area.

TII issued a technical query response to a potential developer in August 2019 under ref. EDMS TII19-106660 in respect of the site, now subject of this application. At that time, TII reviewed a Byrne Looby Assessment Report Ref No. B1586-GEO-R001 and reverted indicating 16 number matters that would

require clarification by the proposer in order for TII to be satisfied that the proposal could proceed on site without negative impact on the Dublin Tunnel.

As part of this application, TII acknowledges the submission of a report by Byrne Looby (ref. B1586-GEOR00_Rev 5) Foundation Interaction with Dublin Port Tunnel Analyses, January 2020, that correctly identifies the location of the proposal within Zone 1 and Zone 2. As such, the report carried out a finite element modelling of the foundation loads that cover Zone 1 & 2.

In the interests of the integrity, safety and operation of the M50 Dublin Tunnel, and noting a previous assessment of development which highlighted issues to address, TII strongly recommends that the clarifications scheduled below be sought prior to any decision being made on this planning application. Each of the clarifications sought are in respect of the submitted Byrne Looby Report (ref. B1586-GEO-R00_Rev 5) and may impact the other information submitted in that report. An updated version of the report is required that addresses issues of concern as follows:

1. The effect of the adjacent development at High Park Apartments (Planning applications 4050/09 & 3186/17) does not appear to have been accounted for in the assessment submitted. Please include the potential effect of this High Park Apartments scheme in the assessment to ensure the protection of the Dublin Tunnel.
2. Section 7 Summary in the submitted Byrne Looby Report (ref. B1586-GEO-R00_Rev 5) states that the lowering of groundwater is not expected to have any short or long-term negative effects on the tunnel. The main body of the report does not contain any discussion of this aspect of potential impacts on the Tunnel. The report should be updated to include the reasoning/evidence to support the submitted concluding remarks on lowered ground water levels and potential tunnel impact.
3. Confirmation is required that the assessment is in accordance with the latest revision of Eurocode 7: Geotechnical design Part 1 National Annex which is from 2015.

10.0 Environmental Impact Assessment

- 10.1. The applicant has submitted an EIA Screening Report. The proposed development is below the thresholds of a mandatory EIAR. It is also considered that a sub threshold EIAR is not required in this instance. I refer the Board to the EIA Preliminary Examination for Strategic Housing Development Applications to be found on file and the conclusions contained therein.
- 10.2. The current proposal is an urban development project that would be in the built up area but not in a business district. It is, therefore, within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an Environmental Impact Assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares.

Construction of more than 500 dwelling units

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

(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

- 10.3. The proposal is for 124 residential units on a site of 0.65 ha. The site area is below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units.
- 10.4. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is

no real likelihood of significant effects on the environment. The need for EIA is, therefore, precluded and a screening determination is not required.

11.0 **Appropriate Assessment**

- 11.1.1. An Appropriate Assessment, Stage 1 Screening Report was submitted with the application, dated January 2020 and prepared by Openfield. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.
- 11.1.2. The site is not located within or directly adjacent to any Natura 2000 area (SAC or SPA) and there are no watercourses on the site or within the vicinity. There is currently no attenuation of rainwater run-off from the site and this is likely to enter the public sewer. In accordance with the Greater Dublin Strategic Drainage Study the proposed development will incorporate sustainable drainage systems (SUDS) that will reduce the current run-off rate. This will include attenuation storage and the use of a green roof. Foul and surface drainage infrastructure will be entirely separate up to the final point of discharge to the combined foul sewer. Foul effluent from the proposed development will be conveyed to the wastewater treatment plant at Ringsend in Dublin.
- 11.1.3. It has already been stated that the site is not located within or directly adjacent to any Natura 2000 area. The AA Screening Report states that for projects of this nature an initial 2km radius is normally examined and there are no Natura sites within this radius. Wastewater discharges from the Ringsend wastewater treatment plant lead to the South Dublin Bay and River Tolka Estuary SPA (site code: 004024) and the South Dublin Bay SAC (000210). The North Dublin Bay SAC (site code: 000206) and North Bull Island SPA (site code: 004006) are also in this area. The Poulaphouca Reservoir SPA (site code: 004063), from which drinking water supply for the development will be drawn, also falls within the zone of influence of this project. I agree that these should be considered to be the only Natura 2000 areas within the zone of influence of the development as pathways do not exist to other areas.

11.1.4. Qualifying Interests/Features of Interest have been outlined within Tables 1 and 2 of the Stage 1 Screening Assessment prepared by the applicant. The applicant's Screening Report may be summarised as follows:

- The proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts.
- The site is approximately 2.2km from the boundary of the South Dublin Bay and River Tolka estuary SPA as the crow flies but following the flow of the River Tolka this distance is over 3km. Because of this significant distance separating the two areas there is no pathway for loss or disturbance of habitats listed in table 1 or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites.
- Operational Phase - There is a pathway from the site via surface and wastewater water flows to Dublin Bay via the Ringsend wastewater treatment plant. There is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA and accepting that pollution is undesirable, then the upgrading works at Ringsend wastewater treatment plant will address future capacity demand.
- Construction Phase - sediment is not likely to enter water courses as there are no rivers or streams in this vicinity. This impact is not considered significant given its temporary nature of this phase and given that large quantities of sediment are deposited in estuaries as part of their natural functioning. During the construction phase it can be expected that some dust emission will occur. It is difficult to quantify this but is likely to be localised and temporary in nature and mainly affect vegetation. Given the distance to Natura 2000 sites and the lack of natural vegetation in the vicinity of the site, this is not considered significant.
- This project is fully compliant with the Greater Dublin Drainage Study and the relevant compliance necessary to ensure long- term improvement to the quality and quantity of storm water run-off. This application can be seen in combination with other 'brown field', or in-fill, developments across the city.

This is leading to improvements in the standard of surface water attenuation but at the same time increasing pressure on the Ringsend wastewater treatment plant. As described, this is being addressed by on-going upgrade works at the plant.

- 11.1.5. In the *Conclusion and Finding of No Significant Effects* section of the applicant's report, the authors conclude that the project has been screened for AA under the appropriate methodology. The authors found that significant effects to Natura 2000 areas are not likely to arise, either alone or in combination with other plans or projects.
- 11.1.6. The site lies within the built-up zone of the city and is almost entirely composed of artificial surfaces, a surface car park. The proposed development lies outside the boundaries of any Natura 2000 site and therefore there will be no reduction in habitat. There will be no fragmentation/loss or disturbance of any designated site, given the separating distances involved. No records show protected flora species within 2km of the subject lands.
- 11.1.7. No surface water feature was identified within the subject lands or in the vicinity and there will be surface water infiltration to groundwater on the site. In accordance with the Greater Dublin Strategic Drainage Study this project will incorporate sustainable drainage systems (SuDS). A flood risk assessment was undertaken, which shows the site is located within Flood Zone C. Foul effluent from the proposed development will be sent to the wastewater treatment plant at Ringsend, Dublin. It is noted that emissions from the Ringsend plant are currently not in compliance with the Urban Wastewater Treatment Directive, however Irish Water was granted permission to upgrade the Ringsend plant (April 2019). This will see improved treatment standards and will increase network capacity. Fresh water supply for the development will be via a mains supply.
- 11.1.8. Therefore, having regard to the scale and nature of the proposed development of 124 build to rent apartments and its location within the built up area of the city on land that is served by municipal sewers and that has already been subject to works and largely laid out as hard surface car park, I am of the opinion that no Appropriate Assessment issues arise. I have had due regard to the screening report and data

used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.0 Assessment

12.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Dublin Port Tunnel
- Residential Amenity
- Building Height
- Traffic and Transport
- Archaeology
- Water Services
- Other Matters

12.2. Principle of Development

12.2.1. Z1 Zoning Objective - The City Development Plan land use objective for the overall site area is supportive of residential development. Despite uncertainty about the appropriateness of a build to rent scheme at this location voiced by local elected representatives and some observers, the planning authority accept the principle of the proposal at his location.

12.2.2. The concerns raised by critics of the build to rent format, revolve around the fear that new residents will be transitory and contribute little if anything to the existing surrounding community. Build to rent is a relatively new form of tenure, not significantly different to conventional apartment letting agreements. However, build to rent tenure is secured by a highly developed management regime focused on residents. To quote the 2018 apartment guidelines – build to rent types of housing developments also have a potential role to play in providing choice and flexibility to

people and in supporting economic growth and access to jobs here in Ireland. They can provide a viable long term housing solution to households where home-ownership may not be a priority, such people starting out on their careers and who frequently move between countries in the pursuance of career and skills development in the modern knowledge-based economy.

12.2.3. Clearly, the guidelines see build to rent proposals as another form of accommodation opportunity for people who have specific needs and requirements not always provided by the conventional rental sector. As simply another form of housing on lands zoned for residential purposes, I see no issues at this location. Therefore, subject to meeting residential amenity standards, I am satisfied that the proposed residential accommodation is compatible with the stated objective for lands zoned Z1 – Sustainable Residential Neighbourhoods ‘to protect, provide and improve residential amenities’.

12.3. **Dublin Port Dublin**

12.3.1. The proposed development is located above the Dublin Port Tunnel. Policy MT22 and Appendix 6 of the current Dublin City Council Development Plan 2016-2022 requires the submission of a Development Assessment with all planning applications over the Dublin Tunnel corridor. The applicant has prepared a report by Byrne Looby entitled Proposed Residential Development Foundation Interaction with Dublin Port Tunnel Analyses, B1586-GEO-R001_Rev05 January 2020. The report considers in detail various aspects of development located above the bored tunnel zones. The report assesses founding the proposed structure on very stiff boulder clay and distribute loading on a combination of strip footings and pad footings that cover both Zone 1 and Zone 2, and details the construction methods and specifications associated with the tunnel itself.

12.3.2. Transport Infrastructure Ireland (TII) are responsible for the safeguarding and integrity of the Port Tunnel and as a statutory consultee made a submission on this planning application. TII have issues of concern that revolve around the thoroughness of the geotechnical report submitted by the applicant and include the following gaps in information; assessment of the effect of nearby development ‘High Park Apartments’ (Planning applications 4050/09 & 3186/17), any discussion around the lowering of groundwater is missing and confirmation that the assessment is in

accordance with the latest revision of Eurocode 7: Geotechnical design Part 1 National Annex 2015 is required. In the interests of the integrity, safety and operation of the nationally important Dublin Port Tunnel, TII strongly recommends that these items of information are sought before a decision is made and compiled in an amended and updated report. Additionally, a number of local observers note the location of the site over the Port Tunnel and ask whether the proposed development is appropriate at this location.

12.3.3. Section 6.4 of the applicant's geotechnical analysis refers to the structural impact assessment prepared for residential development at High Park reference number ABP-303303-18 (an SHD consultation application), to predict a surcharge loading on the tunnel. The applicant concludes that the clearance distance between the subject proposal and High Park is adequate to avoid exceeding National Roads Authority (NRA) maximum limits in Zone 1 and 2. TII point out that analysis of other developments at High Park have not been considered, including 3186/17, the retention of works completed on foot of permission 4050/09. Firstly, I note that permission has been granted for residential development at High Park identical to that proposed at their pre-application stage, reference number ABP-304061-19 refers and so the applicant's use of data from that development proposal is acceptable. It is true to say that the applicant has not considered any other permitted development in the vicinity and so the full impact of combined surcharge loadings on the tunnel cannot be fully known. This is a flaw in the completeness of the analysis prepared by the applicant and may change the outcome of estimated surcharge loadings, which may in turn exceed the NRA maximum permissible limit of 22.5kPa in Zones 1 and 2. The NRA produced a guidance note entitled *Guidance Notes for Developers - The assessment of surface and sub-surface developments in the vicinity of the Dublin Port Tunnel - 2009*, that sets out the type and detail of information required and which sets out surcharge loadings. For the most part, it seems that the applicant has followed these guidelines up to a point.

12.3.4. The applicant's report details that the ground profile of the site comprises made ground deposits to between depths of 3.9 to 4.3 metres, firm to stiff and stiff to very stiff cohesive deposits beneath soft deposits (stiff brown/black sandy gravelly CLAY) to the top of Limestone Bedrock at depths of between 16 to 18 metres. Groundwater monitoring is mentioned and Table 4.4 of the report shows results from three

boreholes. The depth to groundwater varied between 1.4 and 1.8 metres, *section 6.0 Plaxis 2 D Analysis* of the report, outlines that surcharge loadings (case 1 and 2) were based on existing, initial and long-term groundwater levels. There is no other specific discussion around groundwater and TII have highlighted this fact. I have referenced NRA guidance from 2009 and in relation to groundwater it states any development sited in the vicinity of the tunnel which has the potential to affect the groundwater regime e.g. through extraction, is to be assessed by a qualified and experienced engineer with particular experience in groundwater hydrogeology and the design of underground structures. It may be the case that groundwater was considered in full as part of this proposal, however, neither I nor TII can see evidence of this in the finalised report submitted with the application.

12.3.5. It has been stated by the applicant that the specialist geotechnical analyses prepared was done so in accordance with the design principles of IS EN 1997-1:2005 + A1 2013 Eurocode 7: Geotechnical Design Part 1 – General Rules and with respect to the Irish National Annex to that document (INA-EC7) 2007. But TII seek confirmation that a later iteration, Eurocode 7: Geotechnical design Part 1 National Annex which is from 2015 has been used and that the analysis is in accordance with same. This is a technical area and TII do not elaborate upon the differences between the 2005 and 2015 revision of Eurocode 7: Geotechnical design. I am not familiar with either guidance note as it is specific to geotechnical analysis. This is an area that I rely on the applicant's technical qualifications to interpret, however, it is a shared concern of mine together with TII that perhaps out of date technical guidance has been referenced and the consequences of doing so are not visible to me. There may be very little difference between the 2005 and 2015 documents, however, I cannot make this judgment.

12.3.6. In summary, I agree that the details highlighted by TII are missing from the applicant's geotechnical analysis, the seriousness of such omissions I cannot be certain about. However, the lack of more in-depth groundwater analysis and the omission of data concerning other development at High Park may impact upon estimates of surcharge loading and the maximum limits set by the NRA of 22.5kPa could be breached with consequences for the structural integrity of the tunnel. These are serious concerns. As to the utilisation of the most recent guideline

documentation on the principles of geotechnical design, I am uncertain as to the seriousness of this error, but it is an error, nonetheless.

- 12.3.7. TII have sought the production of an updated report that takes into account the omissions outline above, before a decision is made by the Board. To seek further information is not possible under SHD legislation. Permission can either be refused because the structural integrity of the Dublin Port Tunnel cannot be determined with confidence. Or permission granted subject to the production of a report, an approach the Council's planning authority favour. Such an amended report may conclude that surcharge loadings fall in excess of NRA guideline requirements and lead to a different design solution that may in turn result in a different proposal. Such a scenario is unacceptable and the attachment of a condition dependent on an amended report and perhaps further input from TII cannot be supported.
- 12.3.8. Significant planning applications and recent development over the Dublin Port Tunnel are few and far between, however, to the immediate south of the subject site lies a significant apartment development with underground parking, Hampton Lodge. It was permitted before the tunnel was constructed, but plans for the tunnel alignment were well advanced. So much so that a specific condition was attached to the Hampton Lodge permission to ensure conflicts during construction would not occur, An Bord Pleanála Reference number PL29N.203824 refers. Another notable planning application was the Aviation Fuel Pipeline between Dublin Port and Dublin Airport, ABP reference PL29N.245738 refers; the future presence of a pipeline over the Port Tunnel was accepted subject to a Construction Management Strategy agreed by condition. The scenario is different in the case of this planning application at the Bonnington Hotel site, where the tunnel already exists and clear guidelines have been drawn up for any development over the tunnel alignment.
- 12.3.9. It is apparent that engagement between the applicant and TII has taken place and the document now before the Board has been refined and amended. However, gaps still remain and TII are concerned about the omissions and hence I have questions about the value of the analysis prepared by the applicant. These questions could be easily resolved if the possibility to request them existed, it does not. In the absence of definitive and well reasoned analysis that the proposed development will not impact the tunnel infrastructure immediately below, I see no option but to refuse permission.

12.4. Residential Amenity

12.4.1. Future Residents - The proposed development comprises 124 build to rent apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and amenities associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The units are arranged in a single block between five and six storeys in height. Apartment units are of differing sizes, ranging from one bed units at between 51.5 to 57.6 sqm, and two bed units at between 75.2 to 91.2 sqm, 41% of units are stated with dual aspect orientations. Slightly different standards apply to the build to rent sector as opposed to conventional apartments and these are highlighted by SPPR 7 and 8. The applicant's Architectural Design Statement deals with apartment design and compliance with the relevant standards, the Schedule of Accommodation and Housing Quality table sets out the detailed statistics. All apartments have a balcony or patio space ranging in area from 6.2 sqm to 45 sqm.

12.4.2. All apartment units are larger than the minimum floor area requirements even though SPPR 8(iv) states that this does not have to be the case. It is also a requirement of the guidelines that if private amenity space in some apartments is limited then compensatory communal support facilities and amenities should also be provided within the development. In this respect and in addition to adequate levels of private amenity, the applicant has opted to provide open communal amenity space of 2,628 sqm and internal communal amenity space of 268 sqm. SPPR 7 of the guidelines requires the provision of resident support facilities and resident services and amenities, in this respect the applicant provides a Coffee Dock, Children's Room, Media / Games Room, Reading / Quiet Room, Meeting Room, Group / Yoga Room, DIY / Bike Repair Room, Gardening Room, Management Office and Post Room. All these facilities are located at the southern end of the apartment block at lower ground level. This is a satisfactory array of resident support facilities and amenities, located at a sensible and accessible hub on the ground floor. The planning authority are concerned that the calculation of public open space is not representative and require that attachment of a condition to support proper public open space elsewhere. This is a reasonable expectation, I consider the grounds around the

apartment block will be perceived as semi-private open space, not readily open to the public even if they are not gated.

12.4.3. In relation to apartment design and residential amenity, acceptable levels of dual aspect ratios must be met and the Architect's Schedule of Accommodation shows that of all apartment units there is a combination of dual aspect (41%) and single aspect (59%). 41% of the Units are dual aspect, with most living rooms and associated balconies benefiting from a south and westerly or south and easterly orientation. It is a requirement of all apartments whether build to rent or build to sell that in central and accessible and some intermediate locations, there shall generally be a minimum of 33% dual aspect apartments in a single scheme, this have been satisfactorily met by the applicant. The planning authority disagree with the applicant's contention that this is a city centre site and prefer that the site be treated as a suburban or intermediate site and 50% of units should be dual aspect. Furthermore, the planning authority reckon that the true number of dual aspect units is 33% when a projecting window of varying depth, or a single corner window is figured into calculations. Firstly, this site is well located, well connected, close to employment and close to the city centre, it is more akin to an intermediate and accessible site rather than a suburban site. Moreover, as an urban infill site rather than a standalone brownfield regeneration site, requirements can be relaxed. As such, whether dual aspect proportions are 41% or 33%, I find the proposed development to be acceptable in terms of unit orientation and aspect. All floor to ceiling heights exceed 2.7 metres, and no more than 12 units are served by a single lift core. I am satisfied that the necessary standards have been achieved and exceeded. I am satisfied that the location and layout of the apartments are satisfactory from the perspective of residential amenity and future occupants.

12.4.4. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. In addition, SPPR 7 requires the submission of a proposed covenant or legal agreement, this has been prepared and an appropriate condition should be attached.

- 12.4.5. According to the Architectural Design Statement, building materials have been chosen on the basis of context and durability. The predominant materiality of surrounding buildings is mainly red brick and light-coloured render with some stone work. Material selection aims to reflect and enhance and improve on this palette. Patterning is used to create variation and relief. The apartment building will be finished with a mix of light buff brick, warm grey brick, limestone cladding with beige and black window details with timber cladding infills. In addition to external amenity space comprising ground floor marginal areas, three slightly enlarged open spaces have been provided. The proposed development also includes some commercial communal uses and the apartment block cores have large foyer/lobby areas at ground floor level. In light of all these additional on-site facilities, included under this application, I am satisfied that a comprehensive suite of facilities and services will accompany this build to rent residential apartment development and enhance this site off the Swords Road. The planning authority are in broad agreement concerning resident's facilities, but in order to satisfy community demands, would like some facilities to be accessible to other local residents. In principle this may be a worthy idea, however, given the nature of build to rent occupancy and management, I cannot see how this can be achieved. I do not recommend opening up the resident's facilities to the wider populace by condition.
- 12.4.6. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants.
- 12.4.7. Existing Residents – a large proportion of observers have concerns about how the proposed development will impact upon their existing levels of residential amenity, issues such as overshadowing, loss of daylight, overlooking and loss of privacy are mentioned. In addition, the adjacent medial facility at Highfield Hospital fears the lessened usability of some of its outdoor amenity space adjacent to the site boundary between sites. The planning authority share some concerns raised by local residents and point out some detailed residential amenity conflicts, particularly at permitted development at High Park and at Highfield Hospital.
- 12.4.8. I have identified the most sensitive receptors of any perceived loss of residential amenity from the proposed development to be located at Gracepark Manor to the

east, employees and patients of Highfield Hospital to the west and acknowledgement of permitted residential development to the north at High Park.

12.4.9. Firstly, Gracepark Manor is a five to six storey residential scheme with balconies on its western elevation, overlooking a narrow landscaped margin and a treelined boundary to the subject site. At the closest point between opposing habitable room windows a distance of at least 28 metres prevails. This is a more than satisfactory separation distance between apartment units to ensure a satisfactory level of privacy in an urban context. Daylight and sunlight analysis have been prepared by the applicant and it shows that there would be slight to imperceptible levels of impact to ground and first floor windows. Furthermore, given the north to south axis of the proposed apartment block and Gracepark Manor, overshadowing whilst an impact to west light, direct sunlight will still fall on the western elevation for a satisfactory period of the day.

12.4.10. Secondly, Highfield Hospital, a low rise medical facility set within a landscaped campus designed to assist patient well-being is located to the west of the site. The principal fear of the hospital operator is that an outdoor amenity space designed to assist patient care (mental health rehabilitation unit) will be overshadowed and overlooked by the northern portion of the apartment building. With regard to the separation distance of the proposed apartment block and the hospital building, more than 21 metres has been provided and this is satisfactory. The distance from proposed balconies to an outdoor amenity space provided by the hospital will amount to 24 metres or more. There will be a landscaped margin between the site and the heavily planted corner of the hospital grounds. For the most part these are deciduous trees obviously not in the control of the applicant. The outdoor amenity space under focus is tucked into the south east elevation of a hospital wing and thanks to existing planting is already a private space. The proposed apartment block will change the outlook from the amenity space and will impact upon light levels. I am broadly satisfied that given the separation distances involved and the degree of vegetation between sites that the perceived negative impact of the proposed development will be minimal. However, the Board may wish to consider the attachment of privacy screening to the balconies of apartment units 32, 56, 80, 104 and 124, these being the units closest to, in visual terms the hospital amenity space in question.

12.4.11. Thirdly, a housing scheme has been permitted at High Park to the north of the site, ABP-304061-19 refers. Using the layout drawings for that permitted development I can see that Block C is located immediately north of the subject site and approximately 10 metres from the shared boundary. The northern tip of the apartment block proposed in the subject application is located some 7 metres from the boundary with High Park. This would combine to provide a separation distance of about 17 metres between blocks. Understandably, Respond the housing body responsible for the permitted development at High Park is concerned that their development could suffer an erosion of planned residential amenity. It is disappointing that the applicant did not undertake to assess the daylight/sunlight impacts of the proposed development at High Park. However, it is most likely that ground floor and some upper floor rooms associated with Block C at High Park would lose some amenity. It is clear to me that the subject proposal will impact upon permitted development at High Park, specifically Block C. Shifting the entire block proposed at the Bonnington site southwards increases separation distances between developments, but only marginally and causes design difficulties at the southern extremity of the site.

12.4.12. The principle question is whether a separation distance of about 17 metres between a taller and larger building south of permitted development is acceptable in this urban setting. I can see that permitted development on the High Park site provides between 10 and 19 metres between proposed blocks in similar circumstances, i.e. north south alignments. The layout of apartment blocks at High Park considered sunlight/daylight and privacy in their layout, now permitted and chose a design strategy acceptable to them. This is not the case in this instance, where the proximity of the subject proposal could negatively impact on permitted development at High Park. I am not satisfied that either a significant or adequate separation distance has been left between the proposed development and Block C at High Park.

12.4.13. Accordingly, if the Board are minded to grant permission, I recommend the following amendments; that apartment units at the northern face of the proposed apartment block namely: 23, 24, 47, 48, 71, 72, 95, 96, 117 and 118 be reconfigured and reduced in floor area in order to increase a minimum separation distance between the northern elevation of the apartment block and the site boundary. An

increase from 6.8 metres upwards to 9 metres. This will have the effect of increasing the future separation distance between the apartment blocks at Bonnington and High Park to more than 19 metres. In addition, these amendments will most likely result in the replacement of 10 two bedroom apartments with 10 one bedroom units and the amalgamation of unit 118 with 119, a net loss of 1 apartment unit. The fenestration of the northern elevation should remain the same, as far as possible, in order to retain passive supervision possibilities and maintain dual aspect ratios. This will ultimately have the effect of creating a more significant buffer between the proposed apartment block and permitted development to the north at High Park. The resultant space leftover will be designated as communal open space and the possibility of pedestrian connection with High Park remains, it should be well overlooked by apartments and I have no concerns regarding its future usability.

12.4.14. Lastly, other residential development in the area, such as Hampton Lodge, The Crescent and Seven Oaks are so far removed, south of the proposed development and behind substantial vegetation, that no direct residential amenity impacts will result to any of these properties. I am satisfied that the proposed development will not injure, to any significant degree, the existing residential amenities of neighbouring development.

12.4.15. Given all of the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and other observers, I am satisfied that the proposed development, subject to the amendments I have proposed will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance to a limited degree the public realm associated with the existing access road from the Swords Road.

12.5. **Building Height**

12.5.1. The proposed development is 22 metres at its highest point, which exceeds the general height limit of 16m that applies for commercial and residential developments in the 'outer city' as defined in the development plan. The site is not identified as a specific location where 'taller buildings' are acceptable. Development plan policies in relation to height limits, are noted. The applicant has submitted a Material Contravention Statement in relation to development plan policies on building height.

This refers to the NPF, the Apartment Guidelines and the Urban Development and Building Heights Guidelines for Planning Authorities, in particular the flexible application of planning standards for well-designed proposals. It is submitted by the applicant that the contravention of development plan policy can be justified under section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended), in particular where:

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

with regard to national policy to promote more compact and efficient forms of urban development on brownfield sites and significantly increased residential densities in appropriate and well connected locations. The applicant submits that the realisation of the objectives of this national guidance necessitates facilitating residential development to a height greater than 16 metres at this location. This point is noted by the planning authority and accepted.

12.5.2. SPPR 3 of Urban Development and Building Heights Guidelines provides that a planning authority may approve development subject to criteria set out in section 3, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The proposed development may be considered with regard to the principles set out in section 3.1 of the Guidelines as follows:

- Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

The scheme will provide a high quality infill development, assisting the objective to achieve compact urban growth.

- Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?

- 12.5.3. The development is generally in accordance with the development plan core strategy. It is in accordance with the requirements of Chapter 2 of the Guidelines. I am satisfied that the application adequately addresses the issues of the existing residential character and nature of the setting; proximity to high quality public transport connectivity; contribution to new residential development in line with compact urban growth principles; public access and egress; the ecological and environmental sensitivities of the receiving environment; and the visual, functional, environmental and cumulative impacts of increased building height. In addition, the development is considered to be generally in accordance with SPPRs 1 and 2.
- 12.5.4. Material Contravention Statement - The location of the site is noted, so too are the policies and objectives of the operative City Development Plan, together with national guidelines, which apply in this instance. Section 16.7 of the operative Dublin City Development Plan deals with the issue of building height and acknowledges the intrinsic quality of Dublin as a low-rise city. Section 16.7.2 identifies building heights for the city and identifies a building height cap of 16m for residential development in this location.
- 12.5.5. I note that the applicants have submitted a material contravention statement in relation to the matter of height and have advertised same within their public notices, as required under the legislation. Reference is made within the statement to the adoption of Urban Development and Building Heights – Guidelines for Planning Authorities (2018) as the main justification for the heights proposed over and above that stipulated in the operative City Development Plan. It is stated that the hotel and apartment development in the vicinity reaches up to between five and six storeys. The applicants contend that the site, the subject of this SHD application, shares the rationale for increased residential density and height because of its accessibility and proximity to the city centre and employment.
- 12.5.6. As already briefly discussed above, under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. The current application has been lodged under the strategic housing legislation and the proposal

is considered to be strategic in nature. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. It is noted that in the short term to 2020, the Housing Agency has identified a need for at least 45,000 new homes in Ireland’s five cities, more than 30,000 of which are required in Dublin city and suburbs, which does not include for additional pent-up demand arising from under-supply of new housing in recent years. In the longer term to 2040, the NPF developments a need for a minimum of 550,000 new homes, at least half of which are targeted for provision in Ireland’s five cities (Objective 3b). The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland’s cities to be provided within the existing urban envelope (Objective 3a). A significant and sustained increase in housing output and apartment type development is necessary. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal.

12.5.7. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised car park site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in an accessible location, it is within easy walking distance of good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing

needs of the community. The principle of a slightly higher apartment block is considered acceptable. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

12.5.8. In addition, I consider that the development management criteria set out in section 3.2 of the Guidelines are addressed in the remainder of this planning assessment. I therefore consider that the development is in accordance with the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities. Having regard to the above consideration of impacts on visual and residential amenities and heritage issues associated with High Park to the north, the proposed height of 22 metres is acceptable and permission could be granted by the Board.

12.6. **Traffic and Transport**

12.6.1. Nearly all the observer's submissions raise varying concerns about the existing traffic situation in the area. The main issue is that with the removal of existing hotel car parking, matters will lead to an even more pronounced traffic congestion situation and unwelcome over-spill parking in residential streets. Local residents also raise issue with the hotel uses in the area, how late night activity around car parking leads to antisocial behaviour and that hotel parking controls are ineffective in controlling such behaviour. Traffic congestion at the junction of the access road with the Swords Road also forms a number of concerns from residents where junction waiting times are seen as unreasonably long. Lastly, a criticism has been levelled at the proposed development for not considering in greater detail the impact of concurrent planning proposals such as the hotel extension (4198/19 refers) and that a master-planning exercise has not been undertaken for the entire Bonnington complex.

12.6.2. It could be said that the planning authority are also concerned that traffic and car parking are significant issues in the area, such that they have refused a recent planning application for a significant redevelopment of the Bonnington campus at the junction with the Swords Road, planning authority reference 4198/19 refers. However, the planning authority are not so greatly concerned that permission should be refused for this build to rent development. Matters that concern over-spill parking that are likely from the existing hotel can be dealt with by enforcement, or by parking control bye-laws, according to the planning authority.

- 12.6.3. The applicant has prepared a Transportation Assessment Report (TAR) that explores the existing traffic situation, the impact of the proposed development on traffic and parking requirements and includes a preliminary mobility management plan, DMURS statement and Road Safety Audit. In very broad terms the TAR concludes that the existing traffic situation will be improved as build to rent development has less demand for car borne journeys, the existing hotel car and bus parking will be rationalised and controlled (assisted by a current application for extended hotel accommodation at the Swords Road end of the site) and that public realm improvements at the junctions of the access road with Seven Oaks and the Swords Road will help traffic flow and pedestrian comfort. Local residents strongly disagree with these findings and fear that once the surface car park is removed, car parking will be very problematic in the area leading to intolerable traffic congestion and increased frustration with the hotel operators.
- 12.6.4. I should point out that on the day of my site visit, traffic conditions were atypical, given Covid-19 lock down restrictions on movement, traffic volumes were very low and car parking spaces were widely available. Nonetheless, I do note that local residents probably experience significant and inconvenient traffic and car parking related issues. The volume of observations that refer to these issues and the images submitted all lead to their conclusion that the existing hotel operation at this location could be improved. This is, however, an unrelated concern of this current planning application, as ongoing operational matters are the remit of existing planning consents, the enforcement of which is a matter for the planning authority. The proposed development will remove a considerable number of car and coach parking spaces from the existing hotel, conference and leisure centre, conversely, the proposed build to rent scheme is a low traffic generator and will deter car journeys.
- 12.6.5. The applicant's TAR sets out the scope of the study and bases its conclusions on: the relatively small scale of development proposals in traffic generation terms, the location close to available high quality public transport options and on a Bus Corridor with high frequency services, a Traffic & Transportation Impact assessment, Mobility Management Planning, an appropriate Car Parking and Cycle Parking Quantum and Justification study, and finally servicing arrangements.
- 12.6.6. Taking car parking as the first issue of general concern articulated by residents, the TAR states that 90 car parking spaces will remain dedicated to the hotel uses in the

area. This, it is considered by the authors of the report is the amount of car parking combined with suitable management procedures that could cater to a city hotel. In addition, coach parking that has previously availed of a large surface car park area will no longer be accommodated on site, save for collection and delivery of hotel users. A car parking occupancy survey was conducted by the applicant during the latter part of February 2020, it found that at most 91 spaces were occupied at any one time, a study that most observers disagree with. The findings of the study reinforce the applicant's assertion that 90 car parking spaces are sufficient for the hotel uses in any given weekend period.

- 12.6.7. Based upon the information before me, it is likely that the level of car parking that will be attributed to all the hotel uses could be sustained by 90 car parking spaces, together with appropriate management mechanisms. This is a view partly shared by the planning authority and they contend that planning enforcement and parking byelaws can deal with parking issues associated with the existing hotel, if necessary. I am satisfied that the proposed build to rent proposal, as a low traffic generator, is acceptable and could serve to alleviate traffic volume issues at this location because the removal of such a large surface car park will no longer attract car borne journeys.
- 12.6.8. The TAR sets out that build to rent development is less dependent on the use of the private motor car and on this the planning authority and I agree. The level of car parking proposed is 54 spaces for 124 units, a ratio of 0.44 spaces per unit. The TAR states that this is in line with other permitted build to rent schemes in similarly served locations and well below the minimum standard required by the City Development Plan. This makes the car parking component of the scheme in line with Sustainable Urban Housing guidelines SPPR 7 that states there shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.
- 12.6.9. I find that the level of build to rent car parking proposed and the management measures that will be put in place are sufficient to justify the car parking proposed for the development. Together with a robust mobility management plan and the location of the development close to high quality public transport, the level of car parking is

adequate, but it could be lower. I have outlined above, the possible problems associated with the removal of hotel car parking and the importance of good management of the reduced car parking available to the hotel into the future. In my mind the concerns of local residents about overspill car parking is a matter best dealt with by the planning authority, by means of planning enforcement and parking byelaws.

- 12.6.10. In terms of traffic generation and the operating capacity of the surrounding road network and junctions, the TAR concludes no requirement for junction or road upgrades. The threshold assessments contained in the TAR conclude that a negligible proportion of the 5% threshold is experienced at key locations and so the threshold that triggers further assessment is not reached. The planning authority raise no particular concerns as to the principle of the development and traffic generation, technical conditions are recommended to do with any junction improvements.
- 12.6.11. In terms of traffic generation and the local road network, I agree that a low generator of traffic such as a build to rent development and the removal of existing hotel car parking would reduce traffic generation along the access road to the Swords Road. In addition, I note that slight improvements to the Seven Oaks and Swords Road junction will improve the public realm without necessarily affecting traffic flows up or down. From a purely traffic perspective, I find that I agree with the outcome of the TAR, the proposed development will have a negligible impact on traffic, but wider car parking issues will remain as a matter outside of the scope of this application.
- 12.6.12. Public realm improvements at two locations are proposed by the applicant, the junction of the access road with Seven Oaks and at the main junction with the Swords Road. Some local residents are opposed to improvements to the public realm and anticipate that the works proposed will make matters worse in terms of car parking and traffic congestion. The planning authority have some technical clarifications to do with the improvements proposed, but on the whole do not object to the form and design of junction works.
- 12.6.13. The applicant has proposed relatively minor junction improvements and these are welcome, however, the balance of the pedestrian and cyclist environment along

the access road is sub-optimal and does not exceed the standards advocated by the Design Manual for Urban Roads and Streets. There is currently one footpath protected by bollards along part of its length along the southern margin of the access road and perpendicular parking along the other side in front of the hotel. There are no cycle lanes. The limited scale of planned public realm improvements is regrettable and may in part be as a result of the applicant's lack of ownership of the access road. However, I note that legal consent to carry out some works along the access road have been granted and a right of way across the road has been agreed. The principle of the build to rent scheme at this location is partly dependant on sustainable forms of transport, such as access to public transport along the Swords Road and walking or cycling. To encourage such modes of sustainable transport a better and more comfortable pedestrian and cyclist environment is desirable. In this respect, whilst the existing public realm and planned improvements are not optimal, they are adequate. On balance, I am satisfied that the pedestrian and cyclist connections between the proposed development and high quality public transport along the Swords Road are functionally adequate.

12.7. **Archaeology**

12.7.1. The applicant has prepared an Archaeological Report to assess the sensitivity and impact of the proposed development on archaeological and cultural significance. The report identifies that the site is currently a surface car park and the potential for subsurface archaeology is limited but possible, mitigation measures are proposed. Of more relevance is the former use of part of the site as a burial ground associated with High Park. The occupants of the burial ground have been exhumed and removed to an alternate site and the area has been backfilled with compacted rubble. There are sensitivities around those that were buried at this location and an observer has asked for the memory of those women buried here to be remembered. I think this is entirely reasonable and a condition requiring a memorial of some description reflecting the sentiments of those involved should be attached. The planning authority also note the sensitivity of the site and the former burial ground in particular. The wording composed by the planning authority would be a suitable condition if permission were granted.

12.8. **Water services**

12.8.1. Irish Water (IW) confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. However, connection to the public water and wastewater networks should be from/into Seven Oaks Estate infrastructure. IW point out that this is via third party land (from the road side) which the applicant is responsible for obtaining the appropriate permissions and consents. I note that observers have highlighted right of way issues and the likelihood of third party consent complications and so the developer may not be able to execute the development. I note that the applicant has submitted a variety of consent letters that include Liffeyfield Ltd regarding land at the Bonnington Hotel and Dublin City Council for public lands at Seven Oaks. If there are further consents required than this is a legal matter for the developer and the relevant land owner and not a planning issue in allowing permission. The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. I am satisfied that the applicant has demonstrated a sufficient legal interest to make the application and no further action is warranted.

12.8.2. The planning authority recommend technical clarifications with regard to surface water management and these are considered reasonable and can be sought by condition.

12.9. **Other matters**

12.9.1. An observer has noted that trees will be removed and that this will affect local biodiversity. The applicant has prepared a landscape masterplan that shows most hedging trees along the eastern boundary and off the site (out of the control of the applicant) towards the north of the site will be retained in place. Any existing trees along the site's southern frontage will be removed. I note that the applicant has prepared a Landscape Management and Maintenance Plan in which it is outlined that existing trees located on the site boundary area and planned to be retained will be protected in accordance with British Standards (BS) recommendations. The landscape masterplan shows a significant amount of new tree planting, beech hedging, low shrubs and other groundcover plants. I am satisfied that the landscape proposals will in time, contribute to increased levels of biodiversity in excess of that

currently supported by the large expanse of surface car parking. The loss of a minor number of mature trees at the southern portion of the site whilst regrettable is more than made up for by the retention of other boundary planting and the scale and diversity of proposed planting.

13.0 Recommendation

13.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

13.2. Having regard to the above assessment, I recommend that section 9(14)(a) of the Act of 2016 be applied and that permission is REFUSED for the development, for the reasons and considerations and subject to the conditions set out below.

14.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 24 February 2020 by Roseberry Investments Limited, 32 Molesworth Street, Dublin 2.

Proposed Development:

A planning permission for a strategic housing development on a site at 'Oca Verde', lands at Bonnington Hotel, Swords Road, Whitehall, Dublin 9.

The proposed development comprises the construction of a Build to Rent residential apartment scheme. The development is arranged in a single block ranging in height from 5-6 storeys, between 17.8 metres and 22 metres above ground level. The detail is as follows:

- 48 one bed units at between 51.5 and 57.6 sqm
 - 76 two bed units at between 75.2 and 91.2 sqm
- 9 three person units and 67 four person units.

The development incorporates internal amenity facilities in the form of a children's room, activity room, reading room, meeting room, DIY room, garden room, and coffee dock as well as management office and post room at lower ground floor levels – 268 sqm.

External amenity includes landscaped open space including seating, a play area and a primary shared pedestrian and bicycle entrance at the site's south west corner – 2,628 sqm.

An under-croft car park accessed via a ramp adjacent to the site's vehicular entrance, that provides 54 car-parking spaces. A total of 150 bicycle spaces are provided at ground level, of which 80 spaces are enclosed within a service building which also includes a refuse store.

A separate parcel of land, extending to 0.05ha, at the entrance to the Seven Oaks residential development is included to facilitate road improvement works,

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

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

Reasons and Considerations

1. Having regard to the location of the site directly over the twin bored Dublin Port Tunnel section between Chainage 2+700 to 2+800 and in the interests of conserving the structural integrity, safety and operation of said same tunnel, the lack of certain assessment criteria that could determine whether the proposed development would or would not adversely affect the integrity of the tunnel, namely the omission of an assessment of the effect of all adjacent development at High Park Apartments, the lack of reasoning/evidence to support conclusions about lowered ground water levels and potential tunnel impact, a lack of clarity that the assessment is in accordance with the latest revision of Eurocode 7: Geotechnical design Part 1 National Annex

which is from 2015, and the lack of certainty about the potential for impacts on tunnel infrastructure in relation to these factors, on the basis of the information provided with the application, including the applicant's report entitled *Foundation Interaction with Dublin Port Tunnel Analyses*, and in light of the assessment carried out, the Board, cannot be satisfied, that the proposed development, would not adversely affect the integrity of the Dublin Port Tunnel, a critical piece of national infrastructure. The proposed development would therefore endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and hence be contrary to the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Senior Planning Inspector

29 June 2020

15.0 Appendix A

33 Submissions, named as follows:

- 1) Bride Rosney
- 2) Ciaran F Donegan
- 3) Gracepark Manor Management Company
- 4) Helen Murphy
- 5) Imelda, Elizabeth ad Madelaine Bevans
- 6) Malachy Geraghty
- 7) Michele Potthoff
- 8) Peter O'Kelly
- 9) Stephen Eustace
- 10)All Hallows Area Residents Association
- 11)Anna O'Donnell
- 12)Ann-Marie Hynes and Stephen McGloin
- 13)Anthony Reilly
- 14)Brian Warner
- 15)Patricia Rowe
- 16)Damien Hagerty
- 17)Danny and Ann Rice
- 18)Eileen Kelly
- 19)Gerald McDonald
- 20)Justice for Magdalenes Research
- 21)Mary Moore
- 22)Mel Cronin
- 23)Michael Procter and Timothy Goodenough
- 24)Michael Whelan

- 25) Noreen Hegarty
- 26) Paul Filby and Phyllis Walters
- 27) Peter Mac Menamin
- 28) Respond
- 29) Roisin Shortall
- 30) Sean Begley
- 31) Thomas Cummins
- 32) Tom Tansey
- 33) Tracy Fleming