



An  
Bord  
Pleanála

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

## Inspector's Report

### ABP-307887-20

---

**Strategic Housing Development**

Construction of 191 no. apartments  
and associated site works.

**Location**

Site 2, Mayne River Avenue, Northern  
Cross, Malahide Road, Dublin 17

**Planning Authority**

Dublin City Council

**Applicant**

Camgill, Property A Seacht Ltd

**Prescribed Bodies**

Transport Infrastructure Ireland  
Fingal County Council  
National Transport Authority  
Irish Water  
Irish Aviation Authority  
Dublin Airport Authority

Dublin County Childcare Committee

**Observer(s)**

5 submissions received

**Date of Site Inspection(s)**

06<sup>th</sup> November 2020

**Inspector**

Lorraine Dockery

## Contents

1.0 Introduction.....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development.....	4
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation.....	7
6.0 Relevant Planning Policy .....	10
7.0 Third Party Submissions.....	12
8.0 Planning Authority Submission .....	12
9.0 Prescribed Bodies.....	13
10.0 Assessment.....	15
10.9 Screening for Appropriate Assessment.....	31
10.10 Screening for Environmental Impact Assessment.....	36
11 Recommendation.....	38
12 Reasons and Considerations.....	39
Recommended Draft Board Order.....	41

Appendix A- EIA Screening Form

## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1 The subject site, which has a stated area of 0.72 hectares, is located in the northern suburbs of Dublin City, close to the junction of the Malahide Road and the R139. The site forms part of settlement known as the Northern Cross that comprises residential, commercial and retail uses. The lands are 3km east of the M50 Motorway, 250 metres from the Malahide Road Quality Bus Corridor, 300 metres north of Clarehall Shopping Centre and 2km west of Clongriffin Railway Station.
- 2.2 The site bounds Mayne River Avenue roadway to the south. A standalone office block surrounded by parking is located 25 metres from the site boundary. There is a temporary surface car park located to the north-west. To the north of the development site is the riparian area surrounding the Mayne River. The site is currently vacant and does not contain any permanent structures. The site boundary consists of construction fencing. According to the applicant the site was formerly used as a construction compound during development of the surrounding Northern Cross development, however, these structures have been cleared from the site.

## **3.0 Proposed Strategic Housing Development**

- 3.1 The proposal, as per the submitted public notices, comprises the construction of 191 no. apartments and associated site works. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

<b>Site Area</b>	0.72 ha
<b>No. of residential units</b>	191 apartments
<b>Other Uses</b>	None
<b>Density</b>	265 units/ha
<b>Plot ratio</b>	2.87
<b>Site Coverage</b>	31%
<b>Height</b>	7-9 storeys over GF/Upper Basement level
<b>Part V</b>	19 units
<b>Public Open Space</b>	1355m <sup>2</sup>
<b>Parking</b>	118 car parking spaces 424 bicycle parking spaces

Table 2: Unit Mix

	Studio	1 bed	2 bed (3 persons)	2 bed (4 persons)	Total
Apartments	6	76	14	95	191
<b>As % of total</b>	<b>3%</b>	<b>40%</b>	<b>7%</b>	<b>50%</b>	<b>100%</b>

3.2 In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that the proposed development, as assessed for the CoF, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or IW. It notes that there is an important IW asset (1050mm sewer) present on the development site. The applicant is required to engage with IW Diversion Section to agree required separation

distances associated with the infrastructure or to assess the possibility of a diversion if required. A way leave is required in favour of Irish Water over infrastructure that is not located within public space thus ensuring Irish Water access for future maintenance. An Acceptance of Design Submission from Irish Water has also been included with the application which states that based on the information provided, they have no objections to the proposal.

- 3.3 A 10m wayleave is demarcated on the lands.
- 3.4 Part of the southern element of the site, adjacent to the road and eastern portion including part of the existing public park is stated to be within the ownership of Spectrum Development Limited. Letter of consent included.
- 3.5 Part of the NW element of the application site, where connection to existing services is proposed is stated to be in the ownership of Camgill Property A Tri Limited. Letter of consent included.
- 3.6 Applicant notes that the subject development is to be delivered as a single phase over the duration of the planning permission being sought.

## **4.0 Planning History**

### Subject Site

2200/07 – Permission GRANTED for 6-7 storeys over basement apartment block consisting of 107 units with 6 retail/office units at ground floor level

### Nearby Sites:

The Chief Executive report of the planning authority details an extensive planning history for lands within the general area and I refer the Bord to same. I also note ABP-302992-19 at Clarehall and ABP-305943-19 at Newtown, Malahide Road- both recently permitted SHD applications.

## 5.0 Section 5 Pre Application Consultation

5.1 A Section 5 pre application consultation took place via Microsoft Teams due to Covid-19 restrictions on the 27<sup>th</sup> May 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála (ABP-306776-20). The prospective applicant was advised that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development:

### 1. Residential Amenity

Further consideration is required with respect of the documentation relating to the residential amenity associated with the proposed apartment block and neighbouring development. This consideration and justification should have regard to, inter alia, the production of a robust design rationale for the centrally located apartment projection on the western elevation. A discussion around the residential amenity that can be expected by future occupants particularly at apartment units at right angle junctions to the central wing, should be included. Sunlight, daylight and shadow analysis should be considered to demonstrate the suitability or otherwise of this element of the proposal. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to residential amenity and layout of the proposed development.

### 2. Building Interface and Legibility

Further consideration is required with respect of the documentation relating to the building legibility and interface with the existing public realm. This consideration and justification should have regard to how the building is understood from the street with particular reference to resident entrance doorways. In addition, a greater level of

detail is required to demonstrate how the overall building plugs into the existing public realm and public open space to the east of the site.

In order to better visualise exactly how the ground floor of the proposed block interfaces with proposed landscaping treatments; photomontages, cross sections, boundary treatment and landscaping details to indicate potential impacts on visual and residential amenities, to include views from the wider area including in particular adjacent residential and open space areas (planned and existing); axonometric views of the scheme and CGIs are all recommended. Specifically, enlarged cross sections to illustrate level changes and the interface between building, ground levels and public spaces should be illustrated. There should be no conflict between apartment balcony encroachment and pedestrian realm head heights. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to residential amenity and layout of the proposed development.

5.2 In addition the prospective applicant was advised that the following specific information was required with any application for permission:

1. A report that addresses how the proposal meets or responds to local development plan objectives, as relevant to the lands in question. Such objectives to consider may include but are not limited to the amenity potential of the Mayne River in the creation of a linear park and the status of any preferred route for the Malahide Road bypass.
2. Daylight/Sunlight analysis to an appropriate scale, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential overshadowing impacts on adjoining residential areas and other sensitive receptors.
3. A detailed landscaping plan for the site which clearly sets out proposals for play areas, hard and soft landscaping including street furniture where



proposed and indicates which areas are to be accessible to the public. The landscaping plan should critically assess the best and most appropriate way to incorporate underground car parking ventilation structures or features.

4. A study or report describing the existing mix and composition of land uses on and in the vicinity of the site in the context of the current Z14 zoning objective for the area.
5. Given the key district centre location and availability of public transport, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
6. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority, if any.
7. Surface water drainage proposals, the documentation at application stage should clearly indicate the relationship between the design and use of Sustainable Drainage Systems (SuDS) within the site and the landscape masterplan in the context of the advice provided by The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and its appendices. Site Specific Flood Risk Assessment, reference should be made to the 'Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment', and to consider downstream / displacement impacts as a result of the proposed development.
8. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines is also required.

## **Applicant's Statement**

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016.

## **6.0 Relevant Planning Policy**

### National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Climate Action Plan

Other policy of note is:

- National Planning Framework
- Regional Spatial & Economic Strategy for the Eastern & Midland regional Assembly
- South Fingal Transport Study (Jan 2019)

### Local Planning Policy

The Dublin City Development Plan 2016-2022 is the operative City Development Plan.

### Zoning:

'Objective Z14' which aims to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and "Z6" would be the predominant uses'. Zoning objective Z6 states – 'To provide for the creation and protection of enterprise and facilitate opportunities for employment creation'. Section 14.8.3 of the DCC Development Plan states that in areas zoned Z14 but identified as KDC's (Z4's), 'all uses identified as permissible uses and open for consideration uses on zoning Z4 lands will be considered'.

The site is located within the:

- Clongriffin-Belmayne (North Fringe) LAP 2012-2018 (extended to 2022)
- Strategic Development and Regeneration Area 1 North Fringe (Clongriffin-Belmayne) (SDRA 1)
- North Fringe West Key District Centre (KDC) 1
- Under the SDRA for the North Fringe, the site is subject to a minimum building height of 5 storeys, and a maximum height of 50 metres as it is regarded as a mid-rise area under the DCC Development Plan (Section 16.7.2).
- Section 15.1.1.1 of operative City Development Plan states that it is Council policy 'To develop the amenity potential of the Mayne River in the creation of a linear park'.

### Map J- Strategic Transport and Parking Areas

- Zone 3
- Residential car parking standard of 1.5 spaces/residential unit. Cycle parking 1 per unit for all zones.

Draft Belmayne & Belmayne Lane Masterplan 2020 relates to large pockets of undeveloped zoned lands within the North Fringe KDC1 (c.24 hectares in total). The draft Masterplan itself does not cover the subject site lands, however proposals

within the plan are in close proximity to the subject site. This Plan went out for public consultation until 27<sup>th</sup> August 2020.

## 7.0 Third Party Submissions

None received

## 8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 06<sup>th</sup> October 2020. The report may be summarised as follows:

### **Information Submitted by the Planning Authority**

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, interdepartmental reports, Area Committee Meeting details, policy context. A summary of representations received was outlined.

#### Summary of Inter-Departmental Reports

Drainage Division: No objections, subject to conditions

Transportation Division: Conditions attached

Parks, Biodiversity and Landscape Services: No objections, conditions recommended. Some inconsistencies between documents noted

Planning and Property Development Department: John Spain Associates on behalf of Camgill Property A Seacht Ltd has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site if permission is granted

A detailed and informative report has been received from the planning authority. Pertinent issues raised therein shall be referred to throughout my assessment. The report concludes that having regard to the nature and scale of the proposed development, the established pattern of development in the area and the relevant provisions of the current City Development Plan and Clongriffin-Belmayne LAP, it is considered that the proposed development would be consistent with the provisions

of these plans and therefore be consistent with the proper planning and sustainable development of the area.

Conditions attached

The report includes a summary of the views of relevant Elected Members, as expressed at the North Central Area Committee meeting held on 11/09/2020 and are broadly summarised below:

- Height/density
- Design and layout
- Social/affordable housing
- Traffic/public transport infrastructure
- Landscape/parks and amenities
- Impacts on local community/amenities
- Other matters

## **9.0 Prescribed Bodies**

9.1 The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Irish Aviation Authority
- Dublin Airport Authority
- Fingal County Council
- Dublin County Childcare Committee

Five bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

### Irish Water

Highlighted existence of a 1050mm sewer critical asset within development site in CoF and requested engagement with applicant in this regard. Applicant has engaged with IW and submitted drawings indicating the proposed entrance ramp into the basement car park. This is considered to be minor in nature subject to a wayleave being put in place by the applicant in favour of IW over the infrastructure to ensure access and protection of the asset at all times. Conditions recommended.

### Dublin Airport Authority

Proposed development located within Noise Zone C. Recommends condition requiring implementation of section 8.3 of 'Noise & Vibration Impact Assessment Report', in order to ensure that the proposed development is designed with noise mitigation to an appropriate standard.

Requests additional information in which the applicant demonstrates that the proposal would not adversely affect the safety of airport operations either individually or cumulative, given its location approximately 4.68km SE of Dublin Airport.

Views of IAA should be taken into account having regard to new Air Traffic Control Tower.

### Irish Aviation Authority

Applicant should be directed to directly engage with Dublin Airport to assess the impact of the proposed development (incorporating the utilisation of any cranes necessitated during construction) on Dublin's obstacle limitation surfaces, flight procedures and communication, navigation and surveillance equipment. Should permission be granted, the applicant/developer should be conditioned to contact Dublin Airport of intention to commence crane operations within a minimum of 30 days prior notification of their erection.

### Transport Infrastructure Ireland

Will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- Requests that ABP has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application

Fingal County Council

No comment

## 10.0 Assessment

10.0.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dublin City Development Plan 2016; the provisions of the Clongriffin-Belmayne LAP 2012, as extended; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of proposed development
- Height/Density/Mix/Size/Open Space/Elevational Treatment/Materials/Finishes
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

## 10.1 Principle of Proposed Development

10.1.1 Having regard to the nature and scale of development proposed, namely an application for 191 residential units located on lands for which residential development is anticipated to be the predominant use under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and

Development (Housing) and Residential Tenancies Act 2016. I am also of the opinion that the proposal is generally consistent with the City Development Plan's Z14 zoning objective. The planning authority have not raised concern in this regard.

10.1.2 The site is located within an area which has the benefit of the 'Clongriffin-Belmayne LAP (extended to 2022) and the site itself is within an area referred to as 'Key District Centre (KDC) 1'. It is located mostly within the SDRA 1 North Fringe, which reaffirms the general objectives of the LAP. Guiding principles for this SDRA have been outlined within the operative City Development Plan. I note that the North Fringe has been identified in national policy as one of four key locations within the Dublin City Council administrative area to deliver significant residential development. I am of the opinion, as is the planning authority that the proposal largely accords with the objective of the LAP for the area.

10.1.3 I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised 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 a central and accessible location, it is within easy walking distance of good quality public transport in a 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. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

## **10.2 Height/Density/Mix/Size/Open Space/Elevational Treatment/Materials/Finishes**

### Context

10.2.1 The subject site is one of three undeveloped sites at Northern Cross within the applicant's control. The Northern Cross Masterplan was originally prepared in 2004 and updated in 2007 and informed the development of the overall landholding. A number of residential, retail, office and commercial developments have been completed on the masterplan lands. To date, this site has remained undeveloped and was used as a storage compound during the development of other sites within Northern Cross. The current proposal involves the construction of 191 residential



apartments, ranging in height from 7- 9 storeys, over upper basement level in one block. Permission was previously granted on the site (Ref. 2200/07) for a 6-7 storey over basement apartment block consisting of 107 units with 6 retail/office units at ground floor level. The key differences in this current application are the omission of the commercial uses at GF level, an increase in height, inclusion of a northern wing and omission of previously proposed road. The scheme takes the form of one continuous block, facing onto an area of open space. I note that concerns regarding the design and layout of the proposed scheme were raised by Elected Members, as contained in the Chief Executive Report. I do not have concerns in this regard. The block is linear in nature and will 'square off' and complete the existing central public square area. I note the development that has been permitted within the wider area, including recent SHD applications. The proposed development will not be unduly visible from the wider public areas. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. The site in its current form, adds little to the streetscape at this location and I am of the opinion that the appropriate re-development of these lands would add significantly to the visual amenity of the area.

### Height

10.2.2 The height and density of the proposal was raised as a concern by the Elected Members, as contained in the Chief Executive Report. The LAP and SDRA1 have specific height objectives in certain areas within the LAP and I note that that three areas are identified for potential future height, which are the Key District Centre's at Clongriffin rail station and the R139/Malahide Road junction and the axis of Main Street Boulevard connecting the two. The subject site is in proximity to the R139/Malahide Road junction. Section 7.8 further states that these locations have been identified based on the understanding of the existing urban structure of North Fringe and the vision to create a compact and sustainable urban neighbourhood. The LAP sets out a minimum height of five storeys for new developments in the designated Key District Centres. As the site is located within the North Fringe area, it is classified as being in a mid-height area, as set out in section 16.7.2 of the operative City Development Plan and the site is subject to a maximum height of 50 metres.

10.2.3 The height proposed, at 7-9 storeys over basement levels and less than 50 metres, is considered to be consistent with section 16.7.2 of the operative Dublin City Development Plan. I consider that the proposed development before me would be a suitable intervention at this location, given its location beside a good quality bus service and beside a key district centre where there is significant existing employment and the potential for more. While the proposed height at a maximum of 9 storeys over upper basement would be higher than surrounding development, I note recently permitted developments in the wider area. I note that the highest element of the proposed development is located to the northern section of the block, where overlooking and overshadowing potential from the increased height is minimised due to the Mayne River Riparian Area. I consider the height and density proposed to be in keeping with national policy in this regard. 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. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development and recognises that a more compact urban form, facilitated through well designed higher density development is required. 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. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal.

10.2.4 The site is located close to a good public transport service along the Malahide Road. The site is currently underutilised and the proposal, if permitted would enhance the streetscape at this location. The proposed development has an acceptable architectural standard with an appropriate urban edge. It would improve the quality of the street, the pedestrian environment and the public realm. The range in heights takes account of the surrounding context of development including constructed development on adjacent sites and recently permitted development in the wider

area. The proposed development has been designed to minimise impacts on existing residential development. I am satisfied in this regard.

#### Density/Mix/Size

- 10.2.5 Density as proposed, at approximately 265 units/ha is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines. I note the density in the recently permitted development in the vicinity, including ABP-302992-19 at Clarehall and ABP-305943-19 at Newtown, Malahide Road which permitted densities of 332 uph and 314 uph respectively. This proposal is considered to be consistent with same. The proposed development is in excess of the minimum density required under the 2009 Guidelines on Sustainable Urban Residential Development, which advises that minimum net densities of 50dph should be achieved along public transport corridors. The planning authority state that the overall target density, as set out in LAP should not be taken as a limitation on increased densities, which would be in line with the urban consolidation objectives of the NPF. It is also in line with the operative City Development Plan where no upper density on zoned lands is specified. The planning authority considers that the proposed density is acceptable due to its location within a Key District Centre- a designated strategic city development area. The planning authority further notes that a 225-250 uph target is proposed for the mixed-use core area of the KDC in the 2020 Draft Belmayne & Belcamp Lane Masterplan.
- 10.2.6 In terms of unit mix, I note that the mix of units is such that it is in compliance with SPPR1 of the Sustainable Urban Housing: Design Standards for New Apartments 2018. The number of 1 bed units is less than 50%, while the number of studio units is less than the 20%-25% maximum allowed under SPPR1. Given the extent of three-bed dwellings in the wider locality, this mix is considered acceptable and would introduce a significant new element to the prevailing housing mix of the area.
- 10.2.7 Unit size is also acceptable and all units exceed minimum standards, as set out in Appendix 1 of the 2018 Apartment Guidelines. The applicant notes that 75% of all units exceed the minimum floor areas by at least 10%. Notwithstanding this, it is noted by the planning authority in their Opinion that that some units have some internal accommodation deficiencies, which includes substandard width of living rooms and second double bedrooms. Other units do not meet required size for

master bedroom. To emphasise however, the units themselves do meet/exceed minimum standards. I note that some of these deficiencies have not been highlighted in the submitted HQA schedule, which is regrettable. This matter is noted and I consider that it could adequately be dealt with by means of condition, if the Board is disposed towards a grant of permission.

10.2.8 The proposal complies with Apartment Guidelines 2018 in terms of floor to ceiling heights; number of units per lift stair/core and number of dual aspect units.

#### Open Space

10.2.9 Currently, the site is largely devoid of any landscape features and is under hard surfacing with building debris noted thereon. There is an existing tree belt along its northern perimeter that forms part of the Mayne River Corridor. Some very limited scrub/hedge boundary is noted also along the western boundary. Some concerns have been expressed by the Elected Members in relation to landscaping, parks and amenities and these are noted.

10.2.10 Private open space in the form of terraces/balconies are provided to all units. Matters of privacy buffers to the back of footpaths for ground floor terraces and opaque glazing to balconies at upper levels have been raised by the planning authority and I would concur with their assessment. I consider that if the Board is disposed towards a grant of permission, the matter could be adequately dealt with by means of condition.

10.2.11 Communal open space is being provided by way of a rooftop garden area, located at 7<sup>th</sup> floor roof level centrally within the block, together with a courtyard area at ground floor level. Children's play area has also been provided for. I note from the submitted documentation that the central public open space to the east of the application site, which has a stated area of c. 3,700 sq.m, was delivered under earlier phases of the Northern Cross Masterplan to serve the open space needs of the overall landholding. It is stated in the documentation that the proposed development provides 1,355 sq.m of public open space including public realm upgrades, thereby exceeding the requirements of the City Development Plan. This open space provision is provided at a number of locations throughout the development site and includes a portion of open space to the east of the proposed block (referred to above) which presently forms part of an existing public park, where

enhancements to the existing public realm are proposed to be carried out in tandem with hard and soft landscaping immediately adjacent to the proposed block footprint. I would concur with the planning authority that some of the public open space provision is more akin to landscaped circulation space. However I would concur with the Parks, Biodiversity and Landscape Services section of the planning authority when they state that the overall development presents a logical layout of the building block fronting onto to a public park. They raise concerns about the inclusion of the 'Entrance Area' in the public open space calculations as it serves future residents only. I would concur with this assertion. They further state that a contribution in lieu of public open space is require where the full 10% of public open space is not provided for. In this instance, I am satisfied with the quantum of open space being provided and considers that that it complies with the requirements of the City Development Plan in this regard. I draw the attention of the Bord to the fact that extensive public open space exists in the wider area. I also note that the proposed public open space would achieve adequate daylight/sunlight during the year and would be a pleasant place to linger and enjoy. Having regard to all of the above, I am satisfied with the quantum of open space being provided, subject to conditions. I do note the concerns expressed by the Parks section in relation to the existing western palisade fencing, some of which is unpainted and the recommendation that it be replaced with a more visually pleasing railing considering the proposed and future residential setting of this area. I would concur with this opinion and consider that the matter can be adequately dealt with by means of condition.

10.2.12 The LAP contains an objective for a linear walk along the River Mayne, as does the map for SDRA1. Section 15.1.1.1 of the operative City Development Plan states that it is Council policy to 'develop the amenity potential of the Mayne River in the creation of a linear park'. It is noted that the Mayne River runs along the northern boundary of the site. The applicant notes that the proposed development does not encroach on any lands associated with the Mayne River Corridor, which they note is outside their ownership. Access onto this linear park at Mayne River will be a further enhancement for the residents of the area. A path and seating area is proposed at the entrance to this park from the site and this is welcomed. Trees within northern part of the site, which form the southern edge of the Mayne Rive Riparian Area are proposed for retention. This is also welcomed.

### Design/Materials/Finishes

10.2.13 The standard of elevational treatment, while generic in nature, is acceptable and if permitted would integrate with the existing development within this area. Materials and finishes proposed would also integrate with the finishes on the existing permitted development in the wider area. Brick is the primary external finish proposed. I would concur with the planning authority that the use of render should be kept to a minimum and question its longevity and maintenance in the Irish climate. The poor weathering of render is evident on elements of the previously permitted blocks within the overall scheme and this is something that I would recommend is not replicated within this current proposal. Exact details relating to same should be dealt by means of condition, if the Bord is disposed towards a grant of permission.

10.2.14 The level differences are noted and particularly evident at the eastern and western elevation where blank elevations are proposed with vents at ground floor level. The ground floor treatment of the northern elevation is also quite poor. Details of a more visually pleasing finish to service doors may be dealt with by means of condition. I consider that this could have been more appropriately dealt with from an architectural viewpoint, however the greening of this wall may improve the situation from a streetscape and visual amenity viewpoint. The matter could be dealt with by means of condition.

## **10.3 Impacts on Amenity**

10.3.1 The application is accompanied by a Landscape Design Statement, together with verified CGIs and photomontages. The information contained therein is considered acceptable.

### Visual Amenity

10.3.2 In terms of visual amenity, I have largely addressed this matter above and reiterate that the site in its current form, adds little to the streetscape at this location. I am of the opinion that the appropriate re-development of these lands would add significantly to the visual amenity of the area and could be considered to be a logical completion to this overall block.

## Residential Amenity

- 10.3.3 In terms of impacts on residential amenity, I have examined all the documentation before me and it is acknowledged that the proposal will result in a change in outlook for some of the local residents, as the site changes from its current state to lands accommodating development of the nature and scale proposed. Given the location of the site, I do not consider this change to be a negative. This is an undeveloped piece of serviceable land, where residential development is envisaged to be a predominant use. As has been previously stated, the development site is located within a newly emerging part of the city, in close proximity to public transport links. The proposal will offer a benefit to the wider community by virtue of its public open space provision, and the connectivity through to adjoining lands.
- 10.3.4 Having regard to the orientation of the site, the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity. Given the orientation of the site, together the design and layout of the proposed scheme, I consider that overlooking of adjoining properties would not be excessive in this instance and would not be so great as to warrant a refusal of permission. The separation distance with Block 6B is noted, being the nearest block to the proposed development. A separation distance of just less than 14 metres is proposed with Block 6B. This distance will be across a roadway and I note that the windows in the proposed eastern elevation are to bedrooms only at the nearest points (with two balconies). Windows to proposed living rooms have been setback, decreasing the impacts somewhat. I am of the opinion that some degree of overlooking/overshadowing is to be anticipated given the urban location of the site. I am not unduly concerned in this regard.
- 10.3.5 A Daylight and Sunlight Assessment has been submitted. As stated above, Block 6B 'Care Choice' is located just less than 14 metres from the subject development. It is acknowledged that three windows would be adversely affected to a moderate or minor degree when impacts on VSC were examined but would still receive above recommended ADF for bedrooms as recommended by British Standards. I do note that the planning authority has raised that the applicant has not provided any assessment of potential impacts on any adjoining future scheme to the west, in an area occupied by a lapsed permission. It is my opinion that the proposed

development would provide a substantial amount of residential accommodation at an accessible location at a density and height that is in keeping with national policy. It would provide a good standard of residential amenity for its occupants and would make a positive contribution to the character of the area. The submitted design achieves a reasonable setback from existing development. And so a balance needs to be achieved. I am of the opinion that impacts on daylight/sunlight or inadequacy in information are not so great as to warrant a refusal of permission in this instance.

10.3.6 I consider that impacts on privacy would not be so great as to warrant a refusal of permission. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity. This is an urban location and some degree of overlooking/overshadowing/loss of light is to be anticipated at such locations. A Wind Assessment Report has been submitted with the application, which concludes that there are no significant adverse impacts predicted as a result of the proposed development. I am however generally satisfied with the information contained therein.

10.3.7 There may be some noise disruption during the course of construction works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

10.3.8 The level of amenity being afforded to future occupants is considered good. Adequate separation distances are proposed to avoid issues of overshadowing or overlooking. The matter of privacy for the private open space of ground floor units is important and a suitable buffer should be provided. This matter could be adequately dealt with by means of condition. The matter of obscuring privacy screens should also be dealt with by means of condition. The submitted daylight and sunlight analysis indicates that adequate light would be available to the proposed apartments and open spaces. The standard of amenity that the proposed development would provide its residents is therefore acceptable.



- 10.3.9 I would concur with the PA that some consideration should be given to minimising noise from the car park ramp to the basement with regards to the apartments/balconies over. I would also concur that any basement/podium vents be placed away from apartment opes or patios; be placed in external plinth elevations and naturally screened where possible. It is recommended that they be designed into planters where they are located within open space and landscaped areas as opposed to left as flush grilles embedded into the floorspace. These matters could be adequately dealt with by means of condition.
- 10.3.10 Having regard to all of the above, I am generally satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

## **10.4 Traffic and Transportation**

- 10.4.1 The application is accompanied by a number of technical reports including TIA, Parking and Mobility Report and DMURS Statement. The contents of these documents appears reasonable and robust. I note that concerns regarding transportation matters were raised by the Elected Members, as contained in the Chief Executive Opinion.

### Car Parking

- 10.4.2 The application site is located within Area 3, as set out in Map J of the operative City Development Plan. Table 16.1 of the aforementioned plan permits a maximum of 1.5 car parking spaces per residential unit in Area 3. In total 118 car parking spaces are proposed (which includes for 4 no. Go-Car spaces). Parking provision equates to approximately 0.6 spaces/unit. This figure is considered acceptable and is similar to the levels of parking permitted recently in the wider area. The planning authority note that it is proposed to retain the car parking spaces within the control of the management company and that they will be leased to residents/tenants on a minimum 1 month to 12 month contract. No more than one car parking space can be leased per unit. The planning authority are satisfied with this proposed

management strategy and recommend a condition in this regard. I too am satisfied in this regard.

#### Cycle Parking

- 10.4.3 In total, 424 no. cycle spaces are proposed within the proposed development. This figure is considered acceptable. The planning authority are also satisfied in this regard.

#### Other Transportation Matters

- 10.4.4 It is noted that the Clongriffin-Belmayne LAP contains an objective for the construction of the Malahide Road Bypass route, in order to relieve congestion at the R107/Malahide Road junction. This was proposed to run to the north of the subject site. It is noted that Development Plan 'Map B' still shows the east-west section of the bypass running along the south side of the River Mayne. Subsequently the South Fingal Transport Study was prepared by FCC in consultation with key stakeholders including DCC (January 2019). It sets out recommendations for the Fingal/Dublin city Fringe area. Under this study, the proposed roadway is realigned and is placed significantly further north (to the north of the permitted Belcamp development) and 100m west of Northern Cross. Its location is now distanced from the site. The original reservation is shown on the drawings submitted for information purposes and it appears that the proposal does not impinge on this original proposed road location. I note the neither Fingal County Council nor Dublin City Council have raised issue in this regard.
- 10.4.5 The planning authority are generally satisfied in relation to transportation matters, subject to conditions. Given the location of the site within an urban area on zoned lands, I do not have undue concerns in relation to traffic or transportation issues. I acknowledge that there will be some increased traffic as a result of the proposed development, however there is a good road infrastructure in the vicinity of the site. Public transport is available in close proximity and it is anticipated that this will be improved upon in the coming times, as the population of this wider area increases. The reports of both the planning authority and the TII are noted in this regard. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

## 10.5 Drainage

- 10.5.1 In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required, as has a Statement of Design Acceptance. The Pre-Connection Enquiry states that the proposed development, as assessed for the CoF, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or IW. It notes that there is an important Irish Water asset (1050mm sewer) present on the development site. I note that this is shown on the submitted documentation. The applicant is required to engage with IW Diversion Section to agree required separation distances associated with the infrastructure or to assess the possibility of a diversion if required. A way leave is required in favour of IW over infrastructure that is not located within public space thus ensuring IW access for future maintenance. This matter could be adequately dealt with by means of condition. An Acceptance of Design Submission from Irish Water has also been included with the application which states that based on the information provided, Irish Water has no objections to the proposal.
- 10.5.2 I note the engineering documentation submitted with the application, which includes for an Infrastructure Report and Flood Risk Assessment. The information contained within these documents appears reasonable and robust. The Flood Risk Assessment concludes that there is no risk of flooding affecting the proposed development site. The site is located within Flood Zone C. Ground floor levels will be a minimum of 1500mm above surrounding ground levels to prevent any pluvial flood waters on surrounding roads affecting the building.
- 10.5.3 A report was received from Irish Water, at application stage, which raises no objections to the proposal subject to conditions. The report of the Engineering Department of the planning authority, as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions.
- 10.5.4 I note that this is a serviced, appropriately zoned greenfield site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that the matter of drainage and flooding have been adequately

addressed and I have no information before me to believe that the proposal if permitted would be prejudicial to public health.

## **10.6 Other Matters**

### Part V

- 10.6.1 In relation to Part V, it is noted that 19 units are proposed (13 x 1 bed, 6 x 2 bed). The planning authority have not raised issue in this regard and I am satisfied with same.

### Waste Management

- 10.6.2 Matters relating to waste disposal should be dealt with by means of condition, if the Board is disposed towards a grant of permission. I note that an Operational Waste Management Statement was submitted with the application.

### Childcare Facility

- 10.6.3 Concern was expressed by the Elected Members, as contained in the Chief Executive Report, regarding the lack of a childcare facility within the proposed development. The proposal does not include provision for a childcare facility and the matter has been addressed in the submitted Social and Community Infrastructure Audit. Omitting the smaller studio and one-bed units from the calculations, it is recognised that the proposed development could lead to a maximum demand of 29 childcare spaces. However, the applicants support their argument for non-provision by reference to existing and permitted childcare facilities within the locality. I am satisfied with the justification put forward in this regard. I also note that the planning authority have not raised issue in this regard.

### Dublin Airport

- 10.6.4 I note the location of the subject site relative to Dublin airport, located within Noise Zone C, located approximately 4.68km SE of Dublin Airport. A report has been received at application stage from both the Irish Aviation Authority and Dublin Airport. The matters raised therein relation to noise and glint/glare. It is noted that neither the DAA nor the IAA recommend refusal for the proposed development. I also note that the proposed structure is not significantly higher than other existing or permitted structures in the vicinity. I have no information before me which would cause concern that the proposed development, if permitted would interfere with the

safe operations of Dublin Airport, either during the construction or operational phases. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached in this regard.

### Biodiversity

10.6.5 An Ecology Report was submitted with the application, together with an Arboricultural Impact Assessment and Landscape Design Statement. The site has most recently been used as a construction compound/storage area. There are no streams or open drainage channels on site, however the Mayne River is located approximately 50 m to the north, with its associated wooded corridor. Natural drainage from the site is towards the Mayne River. The majority of site can best be classified as a mix of artificial surfaces, spoil and bare ground and recolonising bare ground. The site also includes part of an amenity grassland area to the east with some planted amenity trees. Part of a surface car park to the west is also included within the site boundary while the northern boundary of the site overlaps with the strip of mixed broadleaved woodland along the corridor of the River Mayne. There are a number of regionally important oaks and sycamores within this woodland, with several oaks stated to be of regional importance. A Tree Survey was undertaken in January 2020, with 12 significant trees recorded within the site, all to the north of the existing palisade fence in the riparian area. Three sycamore trees are to be removed from this area (of B and C value). Seven trees are to be removed from the existing open space to the east of the site to facilitate works, the remaining 25 will be retained. The planning authority are generally satisfied in relation to the matter of existing trees, subject to conditions which include measures to protect those being retained. No presence of invasive species was noted during survey undertaken in July 2020.

10.6.6 The planning authority have raised concerns that the ecological survey is incomplete due to a lack of ecological baseline surveys for bats, otter and other protected species. They consider that this results in a lack of information to assess the impacts of the proposed development on the receiving environment, although do acknowledge that mitigatory measures have been outlined in the documentation submitted. They also highlight omissions of biodiversity considerations in other

documents and discrepancies between the information contained in the documents submitted. For example, the CEMP contradicts the Ecology Report and Arboricultural Impact Assessment by stating that there will be no impacts on wildlife and no tree or hedgerow removal on site. The CEMP also refers to bat and faunal surveys having been carried out, which are not included in the documentation submitted. I note that the Ecology Report states that a pre-construction survey will be carried out for bats within the woodland strip along the northern boundary. In addition, I note that the site has low ecological interest reflecting its current and recent status as a storage compound and former agricultural land. It is acknowledged that the principal ecological interest lies in the strip of established mixed woodland which skirts the northern boundary and is part of a wooded corridor along a section of the Mayne River, and that the area could support roosting bats. This is being largely retained and unaltered, save for the removal of three sycamore trees. While the discrepancies between documents are noted, I am of the opinion that the matter is not so great in this instance as to warrant a refusal of permission. I would concur with the planning authority that the matter could be adequately dealt with by means of condition.

### Archaeology

10.6.7 An Archaeological Assessment has been submitted with the application, which notes that there are two recorded monuments within 500m to the northwest of the proposed development area - a ring-ditch (DU015-116), approximately 151m and a ringfort (DU015-033), approximately 301m distant. However, recent test excavation has proven these sites to be modern landscape features. The western extent of the proposed development area has been subject to archaeological monitoring previously and no features of archaeological significance were identified. The assessment further states that given the low potential for archaeological remains and the previous ground disturbance within the site, no adverse impacts are predicted upon the archaeological resource and no further archaeological mitigation is deemed to be necessary. This is considered reasonable, subject to condition.

### Discrepancies between documents

10.6.8 As stated above, a number of discrepancies are noted between the documents submitted, in particular some details within the CEMP conflict with other documents,

including the EIA Screening Statement, Arboricultural Report and other documents. I am of the opinion that these discrepancies are not so great as to warrant a refusal of permission.

## 10.7 Screening for Appropriate Assessment

10.7.1 A Screening Report for Appropriate Assessment and Natura Impact Statement were submitted with the application. 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 these reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

10.7.2 The subject site is not located within any Designated European site, however the following Natura 2000 sites are located within the potential zone of impact:

Site Name and Code	Distance from Dev Site
Baldoyle Bay SAC (000199)	3km E
Howth Head cSAC (000202)	7km E/SE
Rockabill to Dalkey Island SAC (003000)	7km SE
Ireland's Eye (002193)	7.5km E
Malahide Estuary SAC (000205)	6 km N
Lambay Island (000204)	14km NE
Rogerstown Estuary (000208)	10.5km N
Ireland' Eye SPA (004117)	7.5km E
North Bull Island SPA (004006)	3.2km SE
South Dublin Bay and River Tolka Estuary SPA (004024)	7km S
Baldoyle Bay SPA (004016)	3km E
Broadmeadow/ Swords Estuary (Malahide Estuary SPA) (004025)	6km N
Howth Head Coast (004113)	7km E/SE
Rogerstown Estuary SPA (004015)	10.5km N

Lambay Island SPA (004069)	14km NE
Dalkey Islands (004172)	15km S
North Dublin Bay SAC (000206)	3.2km SE
South Dublin Bay SAC (000210)	7km S

### Qualifying Interests/Features of Interest

10.7.3 Qualifying Interests/Features of Interest have been outlined within the Stage 1 Screening Assessment (Table 2) for each of the designated sites listed above.

### Conservation Objectives

10.7.4 The Conservation Objectives for each of the Sites listed above is to maintain the favourable conservation condition of the Annex I habitat(s) and/or Annex II species for which the Site has been selected.

### Potential Direct/Indirect Effects

10.7.5 The site of the proposed development is separated from the nearest European sites by a distance of approximately 3km via the Mayne River. It can be concluded with certainty that there could be no direct impacts, such as loss of habitat or physical disturbance of habitats/species by the development on any European designated site.

10.7.6 The following pathways from the proposed development site to Baldoyle Bay have been considered, namely (i) the potential for uncontrolled run-off during construction phase, especially during prolonged wet periods, from the site to the Mayne River and ultimately into Baldoyle Bay (ii) the potential for seepage of contaminated surface water during the operational phase from the site to the Mayne River and ultimately to Baldoyle Bay. In the absence of mitigation, the input of potential pollutants to the Baldoyle Bay estuarine system from the proposed development site via the Mayne River could have potential effects on the flora and fauna of listed habitats/species within the marine and estuarine environment to the high tide level. Infauna species and particularly filter feeding invertebrates could be potentially affected by suspended solids and petroleum products. Feeding and roosting bird species could also be adversely affected by surface deposits, including hydrocarbons. The significance of the potential impact would be dependent on the magnitude and



duration of the pollution event, as well as on local tidal conditions and the time of year. In the absence of mitigation, it is considered that the conservation objectives of the qualifying interests/special conservation interests for Baldoyle Bay European sites, could potentially be affected, as a Pathway exists between Source and Receptor.

10.7.7 The Stage 1 Screening for AA states that on the basis of (i) the distance from the development site to the coastal strip at Baldoyle Bay (minimum of 3 km), (ii) followed by a distance of approximately 2.5 km from the Mayne Bridge/inner estuary to the open coastal waters, and (iii) taking into account high dilution by estuarine and marine waters, plausible Source-Pathway-Receptor hydrological linkages have not been identified between the development site and the Natura 2000 sites outside of the Baldoyle Bay system but within a 15 km radius of the site. Therefore all designated sites, listed above have been screened out with the exception of those two designated sites within Dublin Bay, namely Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016). Baldoyle Bay is hydrologically linked to the Northern Cross area by the Mayne River.

10.7.8 Qualifying Interests/Features of Interest are set out below for the two Designated Sites, which have been screened in by the applicant:

Baldoyle Bay SAC	Baldoyle Bay SPA
Salicornia	Light-bellied Brent Goose Shelduck
Mudflats and sandflats	Ringed Plover
Atlantic/Mediterranean Salt Meadows	Golden Plover
	Grey Plover
	Bar-tailed Godwit
	Wetland and Waterbirds

Assessment

10.7.9 I note the following. 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. As the proposed development does not have the potential to have an effect on any Natura 2000 site, there is no potential for it to have likely significant effects on any site in combination with any other plan or project. I note the location of the development site within the built up area of the city on land that served by municipal sewers and that has already been subject to works and largely laid out as hard surface. There is currently no attenuation of surface water and rain falling on the site runs off to the River Mayne, located approximately 50 metres to the north of the development site. However, the proposal will utilise an existing storm water sewer network present on the site including an underground attenuation tank under the adjoining central park area. The proposal will comply with the Greater Dublin Strategic Drainage System (GDSDS). Green roofs are proposed. Foul effluent from the proposed development will connect into the existing foul network in the area.

10.7.10 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 website in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site.

10.7.11 Having regard to all of the above, I do not agree that a Stage 2 Appropriate Assessment is required in this instance and I am satisfied that Stage 1 AA is appropriate for all sites. I disagree with the applicants' decision to move to Stage 2 for two sites- I am of the opinion that all sites can be screened out at Stage 1. In my opinion, significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in significant effects on the integrity of the Natura 2000 network. The risk of contamination of any watercourse is extremely low and in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible to offshore European sites due to the distance involved and levels of dilution. Cumulative impacts are not anticipated and neither was any potential for different impacts resulting from the combination of various projects and plans.

10.7.12 The NIS describes construction best practice measures and control measures for the purposes of appropriate assessment and refer to them as mitigation measures within elements of the NIS (section 3). Mitigation measures are also

referred to within the CEMP, Ecology Report and other documentation submitted. In my mind they are not mitigation measures but constitute the standard established approach to construction works on greenfield/brownfield lands. Their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water has been demonstrated by long usage.

Therefore, it is my opinion that the proposed development would be not likely to have a significant effect the quality of water in the Natura 2000 sites. The impact cited in the AA Screening Report would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any such area whether or not it is connected to a Natura 2000 site.

There is no evidence on which to conclude that the applicant or any of its employees or successors in title would be likely to behave in such a manner.

10.7.13 Given all of the information outlined above, it appears evident to me from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Baldoyle Bay SAC (site code 000199) or Baldoyle Bay SPA (site code 004016) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required. If the Board does not adopt the screening recommendation set out in this report, then the submitted NIS provides sufficient information to allow a Stage 2 Appropriate Assessment to be completed.

## 10.8 Environmental Impact Assessment Screening

10.8.1 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Statement. Inconsistencies between the CEMP and the submitted EIA Screening Statement are again noted, but as stated above, the inconsistencies are considered not to be so great as to warrant a refusal of permission.

10.8.2 Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

10.8.3 The current proposal is an urban development project that would be in the built-up area of a town 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. The number of proposed residential units is 191 and the site area is 0.72 hectares. The proposed development is therefore well below the applicable thresholds. The current proposal is an urban development project that would be in the built up area but not in a business district.

10.8.4 The Screening Assessment states that having regard to the criteria specified in Schedule 7 of the Planning and Development Regulations, 2001; the context and character of the site and the receiving environment; the nature, extent, form and character of the proposed development; that an Environmental Impact Assessment of the proposed development is not required. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

10.8.5 I have assessed the proposed development having regard to the information above; to the Schedule 7A information and other information which accompanied the

application, *inter alia*, Appropriate Assessment Screening, Arboricultural Impact Assessment and landscape details and I have therefore completed a screening assessment as set out in Appendix A.

10.8.6 The proposed development would be located on greenfield lands beside existing development. The site is not designated for the protection of a landscape. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report and NIS that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.

10.8.7 The development would result in works on zoned lands. The proposed development would be a residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction Environmental Management Plan (CEMP) are noted.

10.8.8 Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10 (i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to provide for residential uses in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance

for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),  
(h) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and  
(i) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction Environmental Management Plan (CEMP) .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

## **11 Recommendation**

- 11.1 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an emerging area where a wide range of services and facilities exist and proximate to good public transport links. In my opinion, the proposal will provide a quality development, with an appropriate mix of units and an acceptable density of development, in accordance with national policy. The provision of the public open space will enhance the amenity of the area for both existing and future occupiers.
- 11.2 I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission. In fact, I consider that the proposal, if constructed as permitted would add to the visual amenity of the area and enhance the streetscape at this location. I have no information before me to believe that adequate services and facilities are not available in the wider area, to cater for the development as proposed.
- 11.3 I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

## 12 Reasons and Considerations

Having regard to the following:

- (a) the site's location close to Dublin city centre, within an emerging built-up area, including the bus corridor along the Malahide Road
- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning objective Z14, which aims to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and "Z6" would be the predominant uses'
- (c) the policies set out in the Dublin City Development Plan 2016, including the location of the site within the North Fringe Key District Centre,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018

- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area,
- (n) the report of the Chief Executive and associated appendices and
- (o) the report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## **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 12<sup>th</sup> day of July 2019 by Camgill Property A Seacht Ltd care of John Spain Associates, Dublin 2.

#### **Proposed Development:**

Permission for a strategic housing development on lands at Site 2, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17.

The proposed development consists of:

The construction of 191 no. residential units in a part seven, part eight and part nine storey building, over a lower ground floor / upper basement level and lower basement level. The 191 apartments consist of 6 no. studio units, 76 no. one bed units and 109 no. 2 bed units.

The proposal contains a total of 118 no. car parking spaces, 103 of which are located at upper basement level and 15 at surface level, and 424 no. bicycle parking spaces, 328 of which are located at upper and lower basement level and 96 at surface level. Access to the upper and lower basement parking facilities is proposed from the north of the development via an extension of Mayne River Street provided as part of this application. Bin stores, plant rooms, storage rooms, management areas and the ESB substation, which are provided with external access doors, are located at lower ground floor / upper basement level and lower basement level.

The proposed development includes private amenity space in the form of balconies / terraces for all apartments, public and communal open space at podium, ground floor and roof level, PV panels at roof level, pedestrian access routes, children's play space, foul and surface water drainage, hard and soft landscaping, lighting,

alterations to the adjacent public park, including provision of a play area, and all associated and ancillary site works.

A Natura Impact Statement (NIS) has been prepared in respect of the proposed development and accompanies this application.

## **Decision**

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

## **Matters Considered**

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

## **Reasons and Considerations**

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

- (a) the site's location close to Dublin city centre, within an emerging built-up area, including the bus corridor along the Malahide Road
- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning objective Z14, which aims to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and "Z6" would be the predominant uses'
- (c) the policies set out in the Dublin City Development Plan 2016, including the location of the site within the North Fringe Key District Centre,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the

Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013

- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area,
- (n) the report of the Chief Executive and associated appendices, and
- (o) the report of the Inspector and the submissions and observations received,

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

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Stage 1 Screening for Appropriate Assessment**

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

### **Environmental Impact Assessment Screening**

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

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10 (i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to provide for residential uses in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the plan;
- (c) the existing use on the site and pattern of development in surrounding area;
- (d) the planning history relating to the site
- (e) the availability of mains water and wastewater services to serve the proposed

development,

(f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(g) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(h) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(i) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction Environmental Management Plan (CEMP) .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
  - (i) All apartments shall fully comply with Appendix 1 of 2018 Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
  - (ii) Details of privacy screens/ buffer zones, which shall be provided between balconies at ground floor levels and above
  - (iii) Glazing for all apartment balconies/patios be frosted/opaque rather than clear glazing
  - (iv) A light/pale colour brick treatment be used instead of light coloured render
  - (v) Details of the location of vents and appropriate landscaping in their vicinity. Proposals shall include for natural screening, with vents incorporated into planter beds where they are located within open space/landscaped areas
  - (vi) Details of additional measures to minimise noise and vibrations for units located near the car ramp to the basement and undercroft area
  - (vii) Existing palisade fencing to north of site to be removed and replaced with a more visually pleasing railing, more appropriate to a residential area
  - (viii) Proposals for the greening of elements of ground floor level at northern and eastern elevations, in addition to proposals for high quality, visually pleasing access doors to service area at northern elevation
  - (ix) Details of 'bat friendly' public lighting

- (x) A revised Construction Environmental Management Plan, which refers to specific measures within the Ecological Report and Tree Protection Plan
- (xi) Details of protection measures for trees located within woodland area at northern end of site
- (xii) Details of updated surveys of nesting birds, bats and otters, which includes any proposed mitigation and management or relocation with appropriate licences, as required

**Reason:** In the interests of proper planning and sustainable development and to safeguard the amenities of the area

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

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

**Reason:** In the interest of public health.

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

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

6. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

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

(e) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point

(f) A detailed mobility management strategy shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The strategy shall address the mobility requirements of future residents and shall promote the use of public transport, cycling and walking, as well as identifying car club spaces outside of the development, in the vicinity of the site. This strategy shall be prepared and implemented by the management company for all units within the development. This strategy shall also incorporate a Car Parking Management Strategy for overall development, details of which to be agreed with the planning authority, prior to the commencement of development. It shall address the continual management and assignment of spaces to users and residents over time.

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

7. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of



the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

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

8. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Render finishes shall be replaced with pale coloured brick.

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

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

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

10. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

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

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

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

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

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

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

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

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

16. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

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

17. Prior to the commencement of any works on site, the applicant shall agree measures with the planning authority to mitigate any impacts on the continued safe operation of Dublin Airport, for both the construction and operational phases of development.

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

18. Prior to the occupation of any unit, the implementation of the measures specified in section 8.3 of the submitted 'Noise & Vibration Impact Assessment Report' shall be completed in full

**Reason:** In order to ensure the proposed development is designed with noise mitigation to an appropriate standard

19. The developer shall enter into an agreement with the planning authority, pursuant to section 47 of the Planning and Development Act 2000, which shall allow for provision of shared accesses over the proposed access road as detailed in the applicant's submission. This shared access shall make provision for facilitating the possible future

development of lands located within the site of the proposed Block 10 and access into the Mayne River corridor area.

**Reason:** In the interests of co-ordinated development

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

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

21. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

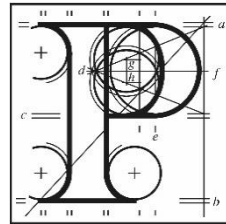
---

Lorraine Dockery

Senior Planning Inspector

09<sup>th</sup> November 2020

Appendix A: EIA Screening Form



An  
Bord  
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		ABP-307887-20
<b>Development Summary</b>		Construction of 191 apartments and associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An EIA Screening Report and a Stage 1 AA Screening Report and NIS were submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Dublin City Development Plan 2016-2022

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  <b>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</b>  <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b>  <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The development comprises 191 apartments on lands zoned for residential use in keeping with residential development in the vicinity.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposal includes construction of a apartment complex which is not considered to be out of character with the pattern of development in the surrounding town.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>



<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	Redevelopment of this site as proposed will result in an increase in residential units of 191 no. units which is considered commensurate with the development of a site at this location within SDRA1	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	Stand alone development, with established developments in the immediately surrounding area.	<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> </ol>	<b>No</b>	An AA Screening Assessment/NIS accompanied the application which concluded no significant adverse impact on any European Sites.	<b>No</b>

<p><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></p>			
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>No such uses. Riparian area to north of site is being largely retained</p>	<p>No</p>
<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>River Mayne flows 50m to north of site. Best practice, established building techniques are proposed. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 109i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to protect and provide for residential uses in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction Environmental Management Plan (CMP) .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector: Lorraine Dockery**

**Date: 09<sup>th</sup> November 2020**

