



An  
Bord  
Pleanála

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

## Inspector's Report ABP-308418-20

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### Strategic Housing Development

193 no. Build To Rent apartments and associated site works.

### Location

Site to the south of Abingdon,  
Shanganagh Road, Shankill, Dublin  
18. ([www.abingdonshd.ie](http://www.abingdonshd.ie))

### Planning Authority

Dun Laoghaire Rathdown County  
Council

### Applicant

ES Shan Limited.

### Prescribed Bodies

An Taisce  
Department of Tourism, Culture, Arts,  
Gaeltacht, Sport and Media,  
Irish Water.  
Transport Infrastructure Ireland

**Observer(s)**

Alan Doyle and Sheelagh Byrne

Ann and Eddie Hanley

Ann and Patrick Curran

Ann O'Brien

Bernadette Lowe

Carol Bergin and Fergal Hurley

Carol Spain and Others

Corinna and Trevor Dolan

Darwyn and Regina Gleeson

David and Catherine Steele

David and Iris Spain

David Lowe

Denis O'Callaghan

Elizabeth Phelan

Emma and Cormac Fitzgerald

Eva O'Brien

Evan and Johanna Coady

Faye and Vincent Drouillard

Gary O'Brien

Gaye Lynch

Gemma Dunne and Others

Genevieve Smyth and Other

Gordon Sothern

Helen Doran

Hilary and Michael Mason

Hilary Mahon

Jayne O'Neill and Niall Curtis

Jim Gildea

John and Carol Richardson

Julie O'Neill  
Lorraine Mandy Corcoran  
Luke Martin  
Luke van Gelderen  
M P and F M Banahan  
Margaret Conway Pinkster  
Michael Clark  
Natasha Finn  
Noel and ethel Smithers  
Noleen and Sean Coffey  
Patricia and Thomas Fitzpatrick  
Rachel and John Cawley  
Rebecca and Andrew Beck  
Richard Boyd Barrett  
Roy Tobin  
Seamus Tierney  
Sheelah Cruise  
Sylvia and Christopher Cawley  
Trevor Dolan  
William O'Toole

**Date of Site Inspection**

18<sup>th</sup> of December 2020

**Inspector**

Karen Hamilton

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Appendix A- Environmental Impact Assessment Screening Determination Form

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site (1.42 ha) consists of a large open field c. 1.3km to the north of Shankill Village, Dun Laoghaire. The site is agricultural in nature and is currently unused. Access into the site is currently via a private laneway off Shanganagh Road which serves c. 5 private dwellings including Liskillen and Derwent. Abingdon Road, a protected structure, is located to the north of the site, adjoining Liskillen.
- 2.2. The site is to the west of Clifton Park housing estate and to the north of Rathsallagh housing estate. The public open space of the latter housing estate bounds the site along the southern site. The site is bound by large trees and mature hedgerows with a few mature trees within the site.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises of the construction of 193 no Build to Rent (BTR) apartments within four blocks, ranging in height from five to eight storeys. Block A, to the west of the site is 5 storeys as is Block D to the east and Blocks B & C in the centre rise to 7 & 8 storeys. Vehicular access into the site is via Clifton Park with additional pedestrian and cycle access along Shanganagh Park. Residential amenities areas, residents pavilion, car and cycle parking are included within the development.

### Key Parameters

Parameter	Site Proposal
Gross Site Area	1.4ha
Apartments	193
Site coverage	37%

Density	138 units per ha
Height	5- 8 storeys
Communal Amenity Space	1,663m <sup>2</sup>
Public Open Space	4,312m <sup>2</sup>
Car parking	120 no spaces
Cycle Parking	372 no cycle spaces
Dual Aspect	51.3%

### Unit Mix

Units	Number	Percentage
Studios	12	6.2 %
One bed	110	56.9%
Two bed (3 person)	1	0.5%
Two bed (4 person)	70	37.5%

## 4.0 Submission from the Planning Authority (PA)

4.1. A submission to the SHD application was received from the CE of Dun Laoghaire Rathdown County Council on the 08<sup>th</sup> of December 2020 and includes a summary of the development plan policy, relevant site history, summary of the submissions received, the opinion of the Elected Members, the interdepartmental reports and the planning assessment of the proposed development. The PA recommend a refusal based on the height, scale and mass and the impact on the surrounding area. In addition, the PA consider there will be a negative impact on the adjoining residential amenity by reason of overshadowing and visually overbearing. The submission has been summarised below.

### 4.2. Views of elected members

- The proposal is profit driven and the SHD process is unsatisfactory.

- There can be no assumption the members will agree to the transfer of lands.
- The visual impact will be significant.
- The roads impact will be extensive, the cycling infrastructure in the vicinity is poor and there is an undersupply of parking on site.
- Rental properties are not a good idea.
- Traffic and transport impacts.
- Concern relating to the massing etc.

#### 4.3. **Planning Assessment**

##### **Principle of development**

- The site is accessible by a range of public transport services, Dublin Bus routes and Shankill DART station.
- The site has an important role in consolidating growth in the Dublin Metropolitan Area.

##### **Residential Density**

- Policy RES3 promotes higher densities of 50 dwelling units per ha on lands supported by sustainable transport.
- The proposal for high density development at this location is acceptable in principle.
- It is considered the proposal is excessive and would represent overdevelopment on this site.

##### **Height**

- Section 3.2 of Building Height: Urban Development and Building Heights Guidelines for Planning Authorities (2018) the development management criteria to assess increased heights cannot be met.
- The proposal does not meet the criteria in Section 5 of the DLRC development plan as it is not infill.

- Should permission be granted a condition to reduce Block B from 7 to 6 storeys, Block C from part 8 to Part 6 and the omission of Level 03 from Block D.

### **Apartment Standards**

- A legal covenant has been submitted for compliance with SPPR 7.
- A range of residential amenities have been submitted in compliance with SPPR 7 (b).
- Having regard to the amount of 3 bed dwellings in the vicinity the proposed mix is acceptable.
- All units meet or exceed the internal storage and private amenity space.
- There is a shortfall of parking spaces which will lead to overspill on adjoining areas.
- It is not considered that the step out detail in some of the apartments allows for full compliance with the dual aspect design and the 51.3% provision is questioned.

### **Urban Design and Massing**

- The height and massing are not acceptable and the views from Clifton Park would be particularly overbearing.
- External materials are generally acceptable.
- The garden of no. 1 and no. 24 Clifton park will be impacted on shadows cast from 15:00hrs onwards on the 21<sup>st</sup> of March with at least half the garden to receive at least two hrs of sunlight. There are concerns with this impact.
- There will be overshadowing on the rear of Abingdon on the 21<sup>st</sup> of December at a time when there is already overshadowing from the existing house on the garden area.
- There are concerns over the usability of the public open space no. 02 in the evenings.

### **Adjoining Residential Amenity**



- The proposed development will cause overlooking onto neighbouring properties to the east, north and west although having regard to the separation distances and mature trees these will unduly compromise the residential amenity.
- There are concerns with the abrupt transition in height between the dwellings and Clifton Park, to the north and Adbingdon House, to the west.
- By reason of bulk, scale and mass the proposal will appear overbearing.

### **Transitional Zoning**

- Section 8.3.2 of the development plan requires the scale and density to have regard to the adjoining sites.
- There are no concerns in relation to the transitional zoning.

### **Childcare Facilities**

- The assessment quantifies a demand for c. 3 no childcare spaces from the proposed development.
- It is considered that 9.2 childcare spaces are required.
- The report does not adequately address how the demand will be met.

### **Transport Planning:**

- The Alternative Access proposed through F zoned lands is contrary to this zoning, is not included in the development description and is not supported by the PA.

### **Conservation**

- The proposed development in the context of the protected structure, Abingdon, are not included in the plans and particulars.

## **4.4. Interdepartmental Reports**

Transport Planning: No objection subject to conditions

Drainage: No objection subject to conditions

Public lighting: No objection subject to conditions

Housing Department: No objection subject to conditions.

#### 4.5. **Recommendation for refusal**

The proposed development, by reason of its overall scale, height and massing, fails to have regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. It is further considered that the proposal will seriously injure the residential amenities of properties located within its immediate vicinity by reasons of overshadowing, overlooking and by way of visually overbearing. The proposed development is considered to be contrary to Policy UD1 and Appendix 9 (Building Height Strategy) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022 and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### 4.6. **Suggested Conditions**

In the event planning permission is granted 29 no. conditions are recommended. These conditions of note are listed below:

C2: The proposal shall be amended to reduce Block B & C to 6 storeys and Block D to 4 storeys.

C3: The proposed Alternative Access Proposal shown in Section 6.3 of the Architects Design Statement shall not be permitted.

C6: Submission of details of a proposed covenant or legal agreement confirming the ownership and operation of an institutional entity for a period of 15 years.

C7: Full details of a properly constituted Owners Management Company for the written agreement of the PA.

C8: Submission of ownership details and management structures for the written agreement of the PA at the end of the 15 years.

C9: Surface Water details

C10: Transportation details

C11: Public lighting details

C17: Archaeological monitoring

C19: Part V

## 5.0 Third Party Submissions

5.1. 52 no. submissions were received from third parties in relation to the proposed development, of these 4 are from prescribed bodies, as summarised below in Section 9.0. Third party submissions are mostly from residents' associations, residents from the vicinity and elected representatives from the area. The elected member submissions are highlighted in the first instance. The issues raised throughout the other submissions are similar and have therefore been summarised into common themes thereafter.

### 5.2. Elected Members

Richard Boyd Barrett TD & Cllr Hugh Lewis

- The size and scale of the development is not in keeping with the surrounding area and the heights are not consistent with the development plan.
- Access along the Shanganagh Road is not appropriate, premature and will impact other road users.
- The visuals misrepresent the impact and include foliage on the trees.
- There is insufficient car parking and open space.
- The submitted environmental documentation does not address the impact on the local environment.

Cllr Michael Clark.

- The density and scale are inappropriate and would be injurious to the surrounding area.
- Access to the site is limited and through Clifton Park.
- Traffic calming measures should be included as a condition on any grant of permission.
- The impact on the biodiversity or TPO on the site has not been adequately addressed.
- The site should be subject to an archaeological assessment.
- The visual impact submitted is restricted.

Cllr Jim Gildea

- The proposal does not comply with the development plan.
- The height and mass are excessive and out of scale with the proposal.
- The vehicular access is unacceptable.
- Social Housing units should not be built under BTR regulations.
- There are no crèche facilities on the site.
- The height cannot be justified for a material contravention.
- The standards for sunlight have not been met.

### 5.3. Procedural

- As the owner of Abingdon there is no permission for the application to use the address of the building to reference the application site.
- The proposed development is not on or adjacent to Shanganagh Road.
- Abingdon does not share a boundary with the site as purported in the documents.
- Three houses along the north, not Abingdon PS, are included on the land registry maps.
- Addresses of the surrounding area were used without consent and in breach of data protection.
- There are inconsistencies throughout the submitted documentation.
- The site notice was posted out of view.

### 5.4. Design & Layout

A resident of the adjoining dwelling has submitted an independent architectural assessment of the design and layout of the proposal. It is submitted there is enough lands in the urban areas to accommodate higher density development and 8 storeys at this location is not justified as per the local or national guidance, independent visual assessment accompanied the submission. The absence of some key views around the site are noted.

- The proposed density (138 units per ha) is excessive and above the development plan requirements (80-100).
- The building is excessively tall and not in keeping with the low rise in Shankill.
- The national guidance only allows increases in height at appropriate locations.
- The site is not appropriate for an increase in height.
- Urban Design Policy 6 specifies under 3/ 4 storeys.
- SPPR 1 allows up to 50% for one bed and studio, the proposal has 53% and therefore not in compliance.

#### 5.5. Built Heritage

- It is not credible that an 8-storey building, 200 yards from a protected structure will not dominate the skyline.
- There is no information provided as mitigation for the impact on the PS.
- The impact on heritage of the adjoining houses Derwent and Liskilleen is of importance.
- The site should be subject to an archaeological assessment.

#### 5.6. Traffic and Transport

- The car parking ratio provided is not enough to serve the site.
- The absence of enough parking will cause an overspill into the existing Clifton Park estate.
- CSO travel patterns 20-16 show an average of 80-90% of car ownership in Dublin Suburban areas.
- The frequency of the DART should not be used as a reason for reduced parking and it has no capacity for more commuters.
- There is already a problem with overflow car parking at Rathsallagh due to the park and ride.
- Shanganagh Road has narrow footpaths and requires an upgrade.
- Clifton estate is a typical suburban estate and cannot take the additional traffic or construction traffic.

- Parking for 405 people will lead to a significant overspill.
- Access into the site via Shanganagh is more appropriate.
- The site was never developed because it is land locked.
- Part of the green at the front of the houses will be lost for the access.
- There is an objection to the pedestrian access via the Rathsallagh Drive Estate.

#### 5.7. Visual Impact

A resident of the adjoining dwelling has submitted an independent assessment of the visually verified views submitted as part of the applicant's documentation. This review states that the Landscape advise note of 2011 has been supersede by 2019 with the introduction of standards for pictures used on the assessment. In view 8 the mountains are missing in the background. A 35mm lens is used rather than a 50m lens. An independent visual from the resident's house and of view 8 is submitted with the observation.

- The visual during the summer months mispresent the impact.
- The 8-storey tower will block any unique view of "Mountains to Sea".
- Negative impact on the coastline of Dublin.
- Shankill is a suburban area and not an urban area like Dundrum and Dun Laoghaire.
- There are no mountains in the applicant's visual impact assessment.
- The impact on the coastal fringe has not been assessed, the site is within 500m of the coast and therefore the downward modifier should be applied.
- Passive surveillance from balconies will also ensure overlooking on adjoining properties.
- A full landscape assessment has not been undertaken and the views from adjoining sites are missing. The documents refer to 14 points although only 9 are included.

#### 5.8. Impact on local community

- The existing permissions at Shanganagh Castel (ABP 306583-20) and Woodbrook (ABP 305844-20) will increase the population of Shankill by 35%.
- The impact on the community has not been included.
- The increase housing will lead to a huge increase in rental properties.
- Shankill community cares about climate change.
- The site is poorly located for access to the school.
- Construction traffic will have a negative impact on the school site.

#### 5.9. Impact on residential amenity

- The proposal will cause overlooking.
- The design is not sympathetic to the location adjoining dwellings.
- The construction will carry dust and cause damage to the air.
- The times of construction activity are of concern.
- The impact of working from home is of concern.
- The proposal will cause overshadowing to the rear of adjoining dwellings.
- The build to rent development will lead to anti-social behaviour in the vicinity.
- The proposal will devalue the properties in the vicinity.
- There will be a negative impact on the vulnerable living close to the site.
- There is no boundary treatment along the west of the site.
- Block A will cause direct overlooking into the adjoining site "Derwent".

#### 5.10. Natural Heritage

- There is insufficient information to justify why an EIA has not been carried out.
- There should be more trees protected, there is insufficient information in relation to the trees to be protected.
- Concern over the impact on the existing ecology in the field.
- There is concern there will be an increase in run-off and the site regularly floods.

- The sylvan nature of the site will be lost.
- The NIS ignores the location of the site relative to the NHA Loughlinstown Wood.
- The DAU and NPWS should be consulted.
- There is no assessment of the bats.

## 6.0 Planning History

### ABP 302140-18 (VS-0018)

The Board removed the site from the Vacant Sites register following an appeal from the landowner stating the site had been in use for agricultural.

## 7.0 Section 5 Pre-Application Consultation

- 7.1. A pre application consultation (ABP 307097-20) took place via Microsoft teams on the 09<sup>th</sup> July 2020 and following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 7.2. The prospective applicant was advised that the following **specific information should** be submitted with any application for permission:
1. Rationale for the proposed height of the development which should include consideration of the DLRCC Building Height Strategy and the Costal Fringe Zone.
  2. Submission of an Architectural Impact Assessment having regard to potential impact upon the Protected Structures at Abingdon House and Shanganagh Park House. It is required that any documentation complies with the criteria as set out in Section 6.4.15 and Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and any other relevant policies and objectives for the site relating to built heritage.



3. A tree survey to be provided, to include trees outside of the boundary but proximate to the proposed construction works.
4. A plan showing separation distances between the development and to existing dwellings should also be included, annotating key distances to boundaries, buildings and windows. Careful consideration is required of an appropriate set back to the north west boundary.
5. Overshadowing and daylight/sunlight analysis of potential impact on adjoining residential dwellings and areas.
6. A Housing Quality Assessment about relevant national and local planning policy on residential development. In relation to dual aspect only those units with a 'true' dual aspect should be considered to contribute to achieving the minimum quantum required. (A 'true' dual aspect is a unit with at least two separate windows on different walls, without an immediate obstruction).
7. Comprehensive landscaping proposals to be submitted.
8. A plan of the proposed open and communal spaces clearly delineating public, semi-private and private spaces.
9. A schedule and associated plan, describing the internal and external resident amenities and facilities to be incorporated into the development, in accordance with the definitions under SPPR 7.
10. Landscape and Visual Impact Assessment with photomontages.
11. A building life cycle report.
12. Traffic and Transport Impact Analysis.
13. Road Safety Audit and Quality Audit.
14. Rationale for proposed childcare provision (or omission of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant

Childcare Committee in relation to this matter prior to the submission of any application.

15. AA Screening Report.

16. Water infrastructure proposals to meet the requirements outlined in the submission on file of Irish Water dated 21<sup>st</sup> May 2020.

### **7.3. Applicant's Statement of Response to Opinion**

In response to the specific information request, the applicant details compliance by way of the submission of the following:

- A rationale for the building height is included in the submitted visuals and a material contravention statement has been submitted.
- An Architectural Design Statement and Architectural Heritage Impact Assessment.
- A Tree Survey and Assessment.
- Plans showing distances from boundaries and neighbouring properties.
- Overshadowing, daylight and sunlight analysis.
- Housing Quality Assessment.
- Landscaping proposals.
- Plan of proposed open and communal spaces.
- Residential Amenity provision.
- Landscape and Visual Impact Assessment with Photomontages.
- Building Life cycle Report.
- Traffic and Transport Impact Analysis.
- Road Safety Audit.
- Childcare provision.
- AA Screening Report
- Irish Water correspondence.

## 8.0 Relevant Planning Policy

### 8.1. National Planning Framework (NPF): Ireland 2040

A number of key National Policy Objectives (NPOs) are noted as follows:

- **NPO 3(a):** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- **NPO 11:** In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- **NPO 13:** In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- **NPO 27:** Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- **NPO 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **NPO 35:** seeks to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 8.2. Section 28 Guidelines

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2020)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities
- Architectural Heritage Protection Guidelines for Planning Authorities, 2011.

8.3. **Eastern & Midland Regional Assembly (EMRA). Regional Spatial & Economic Strategy (RSES) 2019-2031 (2019),**

- Dun Laoghaire Rathdown is located within the Dublin Metropolitan Area (DMA)
- Guiding principles of growth are the consolidation of housing delivery with 50% of housing supply within the built-up area of Dublin City.
- Table 5.1: Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing  
  
Short-medium term- LUAS green line works for new and emerging Cherrywood and Sandyford communities.  
  
Long term- LUAS extension to Bray.
- Table 6.1- Dun Laoghaire Rathdown is level 2 for retail provision

A number of key Regional Policy Objective (RPOs) are noted as follows:

- **RPO 5.4** : Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for New Apartments' Guidelines, and 'Urban Development and Building Heights Guidelines for Planning Authorities'.
- **RPO 5.5** : Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs,

and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

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

The site is located on lands zoned as A, Residential, where it is an objective “To protect and - or improve residential amenity”.

- Policy UD1: Urban Design principles
- Policy UD6: Building Height Strategy

##### Height

##### Appendix 9- Building Height guidelines

- Upward and downward modifiers to assess the impact of building height on the surrounding areas.
- Downward modifier at locations 500m from the edge of the coastal fringe.

##### Trees

- The site contains an objective “To protect and preserve Trees and Woodlands” along the northern boundary of the site.
- Section 8.2.8.6 provides guidance for the appropriate protection of trees where it is an objective of the plan to protect these.

##### Built Heritage

A protected Structure, Abingdon, is located to the north of the site.

The house is listed on the National Inventory of Architectural Heritage (NIAH) as a building of regional value.

##### Policy AR1: Record of Protected Structures

- Ensure that development proposals to Protected Structures, their curtilage and setting shall have regard to the national guidance.

## 8.5. Designated Sites

The site is located c. 2km to the south west of the Rockabill to Dalkey Island SAC (003000) and c. 3.8km to the south west of Dalkey Island SPA (004172).

## 8.6. Applicants Statement of Consistency

A Statement of Consistency accompanied the application. The applicant submits that the proposed development complies with the national and regional planning policies. A statement of material contravention in relation to the height of the proposal, discussed below.

### 8.6.1. Applicant's Statement of Material Contravention

The applicant considers the proposal development represents a potential material contravention of the development plan in relation to the building height.

Policy UD6 and Appendix 9 of the development plan include a building height limit of 3-6 storeys with possible height using "upward modifiers".

Justification for a contravention of the plan for the proposal at 5-8 storeys includes compliance with Section 3.2 of the Urban Development & Building Heights: Guidelines for Planning Authorities (2018).

## 9.0 Prescribed Bodies

### 9.1. Irish Water

A confirmation of feasibility has been issued with the following upgrades required:

- Water: Upgrade works are required for 13m of the IW network and the applicant should contribute to these costs, where relevant.
- Wastewater: Upgrade works are required for 70m of the IW network and the applicant should contribute to these costs, where relevant.

### 9.2. Transport Infrastructure Ireland (TII)

- Official documentation relating to national roads is contained in DoECLG Spatial Planning and National Roads Guidelines for Planning Authority's (2012)

- The proposed development should be carried out in accordance with the recommendations of the Transport (Traffic Impact) Assessment.
- Recommendations from the TA should be included as conditions and funded by the developer.
- TII was involved with the NTAs Bray and Environs Transport Study (2019) and cognisance should be given to compliance with this study.

### 9.3. An Tasice

- The proposal is unsuitable as the heights are over-development and excessive in density.
- There is insufficient information to assess the impact on the protected structures and architectural heritage.
- There is no analysis of the impact on the trees to be protected.
- Vehicular access into the site is via Clifton Park.
- While the reduction in parking is pleasing the suburban location would mean additional parking will overspill onto adjoining roads.
- The visually verified views do not sufficiently show the impact.

### 9.4. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

- **Archaeology:**

The Archaeological Impact Assessment report indicates that there is a need for ground works during construction and the monitoring condition should be included.

- **Nature Conservation:**

There is a significant number of trees around the site.

In relation to the documentation submitted the ECIA does not contain all the information from other surveys in relation to the bats. There is no information on the 14 no. bat boxes on the trees owned by the Council or the impact on the bats.

If this issue can be addressed the NPWS would recommend a grant of permission with conditions restricting the transportation of polluting materials, restriction on clearance of vegetation during the breeding bird season and submission of a bat conservation plan.

## 10.0 Oral Hearing Request

10.1. An Oral Hearing Request was submitted by Emma and Cormac Fitzgerald, David Lowe and Bernadette Lowe. The issues raised are summarised as follows:

- Height,
- Density,
- Impact on Residential Amenity,
- Impact on Visual Amenity,
- Drainage,
- Accuracy of information.

Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.2. In this instance, it was decided there were no exceptional circumstances and therefore the request for an oral hearing was refused.



## 11.0 Assessment

11.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Density and Urban Design
- Height Strategy, Visual Impact and Material Contravention
- Build To Rent (BTR)
- Vehicular Access, Permeability and Boundary treatment
- Impact on Residential Amenity
- Natural Heritage
- Built Heritage
- Chief Executive (C.E) Report

### **Principle of Development.**

11.2. The site is located on lands which are zoned objective A, Residential, where it is an objective "To protect and or improve residential amenity". The proposed development is for 193 no. Build To Rent (BTR) apartments with associated residential amenity services. Residential use is permitted under this zoning objective. I am satisfied that the proposed development is consistent with the zoning objective.

### **Density and Urban Design**

11.3. The proposal includes four apartment blocks (A-D) and a single storey residential pavilion. The Blocks are arranged in a row in the site with staggered heights as follows:

- Block A to the east is 5 storeys,
- Block B is 7 storeys along the south dropping to 5 storeys along the north,
- Block C, is 8 storey the south dropping to 5 storeys along the north,

- Block D to the west is 5 storeys.

- 11.4. The site is surrounded by existing residential developments. To the east is Clifton Park and the south is the Rathsallagh estate. Both developments comprise of two storeys detached, semi-detached and terrace dwellings, typical of suburban developments in the general area. To the immediate north and west there are detached dwellings set within private grounds. A large detached dwelling, Abingdon House, a protected structure, is located to the north.
- 11.5. A significant number of observations, one from An Taisce and others from the residents in the vicinity, have raised concerns relating to the design and layout of the proposed development. Issues raised relate to the density, excessive height and dwelling mix. The PA submission requests the proposed development is refused having regard to the overall scale, height and massing as it fails to have regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. The PA further consider there will be a negative impact on the residential amenities of those properties in the vicinity and the proposed height is contrary to the development plan policies and national guidance.

#### Density

- 11.6. The site is located within 1km of the Shankill Dart Station, within walking distance of a range of public transport service, education, retail and community services and is surrounded by existing residential development. The proposed density is 138 units per ha. National and regional guidance places emphases for compact urban growth. The NPF strategy for growth includes a target for 50% of all new houses located within the 5 cities. Regional Planning Objective 5.5 of the EMRA-RSES highlights the Dublin Metropolitan Area as the primary focus for consolidation and the sequential delivery of housing for the region. Section 5.8 of the Sustainable Residential Guidelines requires minimum net densities of 50 dwellings per ha at locations within walking distance from public transport nodes. Policy RES3 of the development plan provides guidance for quality residential design where the national guidance for sustainable residential development should be implemented. Higher densities at a minimum of 50 units per ha should be provided at appropriate locations, considering site configuration, open space requirements and the characteristics of the area.

- 11.7. I consider the subject site is ideally located to take advantage of higher densities to ensure a compact urban form as promoted in national and regional guidance. With regard to compliance with Policy RES 3 of the development plan the Board will note reference to national guidance where densities required are at a minimum quantum rather than maximum. I note the general characteristics of the surrounding area which I do not consider represent an efficient use of land nor do they promote compact urban form. Therefore, I do not consider development within the application site should be in line with the characteristics of the surrounding environs.
- 11.8. The PA submission notes the characteristics of the site as infill and whilst 138 units per ha is acceptable in principle, it is considered it is excessive as the scheme would represent overdevelopment of the site having regard to the scale and mass of the proposed development. I have addressed the impact on residential and visual amenity further below.
- 11.9. Therefore having regard to the sequential approach to housing delivery, the location of the site in proximity to high quality public transport provision and the absence of any maximum density set within the development plan, I consider the density as provided at c. 138units per ha is appropriate on the site.

#### Urban Design

- 11.10. The four blocks front onto the southern boundary of the site with the tallest elements of Blocks B & C directly facing the public open space associated with Rathsallagh estate. Vehicular access is via Clifton Park and car parking is provided as shared podium parking for both Blocks A & B, and Blocks B & C. Communal open space is provided above these podium areas and access is via pedestrian steps and direct access from those units facing onto the space.
- 11.11. The applicant's Statement of Consistency refers to the Sustainable Urban Guidelines and those 12 point criteria in the Urban Design Manual which enables the creation of successful neighbourhoods. In this regard the applicant considered the urban design principles of the national guidance, translated into Policy UD1 of the development plan, have been met.
- 11.12. I note the 12 criteria set out in the Urban Design Manual, requires new developments to respond sufficiently to the characteristics of the site and surrounding area where the proposal should provide a focal point and create a sense of place, whilst also

having regard to the impact on the residential amenity. The stepped height of the blocks reflects the location of the site as an infill between low and medium density housing. The taller elements of the blocks along the south, fronting onto a large area of public open space provides a strong urban edge whilst using an existing feature to increase density. I consider the design response is appropriate for a residential zoned site in an urban settlement where the aim of the national and regional guidance to ensure compact urban form. I do not consider the massing is inappropriate at this location, as set out in the PA report, and I have provided an in-depth analysis of the impact on the adjoining residential amenity below. The PA also consider the proposal fails to have regard to the character of the surrounding area. In this regard I consider sufficient separation distances are included between the proposed buildings and the existing dwellings. I consider the layout provided focuses on active public streets by creating frontages directly onto the public area, in line with national guidance.

11.13. Criteria 6 of the Urban Design Manual requires proposals to exploit views into and out of the site. I note the topography of the site is generally flat in comparison to the surrounding area although those 7 / 8 storey buildings may support a higher standard of visual amenity for future occupants having regard to the location relative to open space and directly adjoining the site and the mountains and coastal areas in the horizon.

### Conclusion

11.14. Overall, I consider the density proposed at 138 units per ha is appropriate for the site having regard to the location which is accessible to sustainable public transport and a wide range of services. In regard to the design of the scheme, I consider it provides an appropriate design response to the delivery of residential development in an urban infill site. The design includes a wide range of accommodation to allow a diverse range of household types, supports pedestrian and cyclist access and the urban design will provide a sense of place, in line with the criteria in the Urban Design Manual for good urban design and Policy UD1 of the development plan which seeks to implement these principles.

11.15. The Board will note that the concerns of the PA relating to compliance with Policy UD1, Urban Design Principles and the proposed scale, bulk and mass specifically

relate to the impact on the character of the surrounding area, no concern was raised on the density. I have further addressed the impact on the existing residential amenity and the built heritage below.

## **Height Strategy, Visual Impact and Material Contravention**

### Height Strategy

- 11.16. As stated above the height of the buildings range from 5- 8 storeys. Block C, the tallest building is c. 26m in height, at the highest point. Blocks A & D are 5 storeys where Blocks B & C in the centre of the site are 7 and 8 storeys respectively, both dropping to 5 storeys along the north.
- 11.17. The PA does not consider the overall mass, scale and bulk of the development is appropriate on the site and therefore considers the proposed development is contrary to Policy UD1 and Appendix 9 (Building Height Strategy) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022 and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG). Should the Board grant permission, the PA request that a condition is attached requiring a reduction in the height of Block B from 7 to 6 storeys, Block C from part 8 to part 6 and the omission of Level 03 from Block D.
- 11.18. The height of the buildings is raised by observers, which they consider excessively tall in comparison to the low rise in Shankill. The proposed height is not considered appropriate at this location. An independent assessment of the visually verified view is submitted within an observation. This review states that the Landscape advise note of 2011 has been superseded by 2019 with the introduction of standards for pictures used on the assessment. In addition, the expert opinion states that a 35mm lens is used to generate the views rather than a 50mm lens.
- 11.19. Policy UD6 of the development plan states that the building heights will be guided by both the general principles and specific detailed recommendations detailed in the Building Height Strategy set out in Appendix 9. Appendix 9 identifies centres within the county that are considered capable of accommodating taller buildings for other areas a maximum height of 3 /4 storeys may be permitted. In some circumstances minor modifications of height will be considered using “Upwards or Downward Modifiers”. Upwards modifiers can apply to locations which have the benefit of public or green spaces. One such specific upward modifier allows for the residential

development which contributes to the promotion of higher densities with exceptional public transport accessibility, whilst retaining and enhancing high quality residential environments e.g. 500m walkband around a DART station. In addition, on sites 0.5ha or greater, the context for development may have a greater building height away from the boundaries with existing on residential development. Downward modifiers, include areas which affect the residential living conditions (overlooking, overshadowing or excessive bulk/scale) the setting of a protected structure or located along the coastal fringe (500m radius).

11.20. I consider upward modifiers can be applied to the proposed development having regard to the location 500m from the Shankill DART station and adjoining a large area of public open space. In addition, I note the quantum of density proposed and the high-quality design also allow the use of upward modifiers. The PA consider the proposal impacts the adjoining residential properties and the character of the protected structure; therefore, these downward modifiers are relevant. The site is located along the edge of the 500m with proposed buildings outside the coastal fringe. In this regard, I do not consider the downward modifiers are applicable. The impact in residential amenity and character of the protected structure is also addressed in detail within my report. In both instances I have concluded that the proposed development would not have a significant negative impact. Therefore, I consider the upward modifiers applicable.

11.21. The inclusion of the upward modifiers, in my opinion, permits buildings up to 6 storeys at suitable locations. Having regard to the criteria in Appendix 9 and the characteristics of the site, I consider the site is a suitable location. The proposal includes heights up to 7 & 8 storeys. These heights exceed those permitted in the development plan and as such the applicant has advertised the proposal as a material contravention and submitted a Statement of Material Contravention. The assessment of the application under Section 37(2)(b) of the Planning and Development Act of 2000 is further detailed below.

#### Visual Impact

11.22. An Architects Design Statement (ADS) and Visually Verified Montages (VVM) accompanied the application. The evolution of the design is noted in the ADS. This statement highlights the location of the higher elements in the centre of the site with

a stepped down approach to the design towards the edges of the site to protect the daylight conditions and limit overlooking into adjoining properties. The site is surrounded by 2 storeys detached, semi-detached and terraced dwelling which represent an inefficient use of land. The approach to the proposed development reasonable to allow for increased heights and densities in line with national guidance.

11.23. I note the PA have no objection to the height of Block A at 5 storeys and recommend the reduction of the central blocks (B & C) to 6 storeys and Block D to 4 storeys. In this regard, the height of the buildings would range from 4 to 6 storeys rather than 5 to 8 storeys. No specific reason for the reduction in height other than impact on the residential amenity and character of the protected structure. I have addressed the impact on both the residential amenity and PS in separate sections below.

11.24. I note the Visually Verified Views (VVV) are submitted by a design and Computer-Generated Images (CGI) company. 9 no. views were selected and the documentation indicates the equipment used to take these images. The expert submission submitted on behalf of an observer raised concern in relation to the size of the lens used on the camera and the absence of the Wicklow Mountains in the background of View no.8. I have assessed the views submitted which I consider of sufficient standard and appropriate to undertake the visual impact. I note a typo in the documentation referring to 14 no. views although I note only 9 no. have been submitted. This aside, I have assessed the images generated. The images illustrate the higher elements of both Block B and C are visible from long range views. The views along the south, the higher element (7 & 8 storey) have been covered to some extent by the foliage on the trees within the public space. This aside, it is my opinion that these photomontages illustrate that the proposal will not dominate the skyline or have such a negative impact on the surrounding visual amenity. Regarding the absence of the mountains, I note they haven't been included in view no. 8, I consider the impact on the skyline of the surrounding area can be sufficiently assessed and I have no concerns in that regard. In any event the Board will not have any specific protected views at this location or relating to the mountains.

11.25. In conclusion, I consider the information presented with the application sufficient to allow me to undertake a detailed analysis of the impact, albeit additional expert opinion submitted with the observations. Therefore, having regard to the design and

layout of the apartment buildings, the location of the site and the characteristics of the surrounding area, I do not consider the proposal will have a significant negative impact on the visual amenity of the surrounding area.

Material Contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022

- 11.26. A Statement of Material Contravention accompanied the application. The justification for a grant of permission, pursuant to Section 37 (1) and (iii) of the Planning and Development Act, is set out in this statement. The statement also includes an assessment of the development management criteria in Section 3.2 of the Urban Building Height Guidelines.
- 11.27. As stated above in my assessment of the height strategy, Appendix 9 of the development plan sets out the building height strategy for the county. Upward and downward modifiers are used to assess the appropriateness of taller buildings at certain locations. A maximum height of 3/ 4 floors are permitted other than sites where upwards modifiers may be applied and thereafter heights of up to 6 floors. Block B & C includes heights of 7 & 8 storeys respectively. It is therefore my opinion that a grant of permission would materially contravene Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- 11.28. The PA submission refers to the polices and Appendix 9 of the development plan and Section 3 of the Urban Building Height Guidelines and whilst they consider the site can accommodate higher density and increased heights, it is considered the proposal will cause overlooking on the neighbouring residents of Clifton Park and have a negative impact on the setting of the PS, Abingdon House and other buildings of interest namely Liskilleen and Derwent. The PA submission does not specifically refer to any material contravention of the development plan, rather the PA considers the downward modifiers of Appendix 9 must be applied to the proposal which means the criteria of the Urban Building Height Guidelines cannot be met. Therefore, the PA consider the proposal is contrary to Policy UD6 and Appendix 9 and should be refused.
- 11.29. Section 37(2)(b) of the Planning and Development Act of 2000 as amended provides that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board



may only grant permission in accordance with specific criteria. I have provided an assessment under each of the criteria listed under Section 37 (2) (b) as follows;

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

A Strategic Housing Development may be regarded as of strategic importance for the delivery of essential housing in line with national policy for addressing homelessness, subject to meeting appropriate planning standards and achieving targeted growth. Pillar 3 of Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, focuses on the delivery of housing stock as a key objective to tackle homelessness and support a growing population. The proposed development has the potential to contribute to the achievement of the Government’s policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

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

There are no specific height objectives for this location. The Statement of Material Contravention does not refer to any conflicting objectives. I do not consider there are any conflicting objectives in the development plan or LAP which warrant a grant of permission under Section 37 (ii).

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

The National Planning Framework 2040 requires a focus on redevelopment projects with regard underutilised land within the M50 ring for a more compact urban form, facilitated through well designed higher density development. National Policy Objectives (NPO) 35 seeks to “*increase density in settlements, though a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building*

*heights*". With this in mind, the Board will note the characteristics of the site, which I considered to be defined as an important infill site and therefore the delivery of housing at this location would be considered of strategic importance for the targeted growth within the Dublin metropolitan area in line with national policies.

The Urban Development and Building Heights guidelines advocates increased building heights at urban locations with good public transport accessibility. The subject site is located within walking distance to Shankill DART station and a high-quality bus route along Shangaghah Road. Specific Planning Policy Requirement SPPR 3A of the Guidelines provide that permission can be granted where the height of a proposed development is not consistent with a statutory development plan in circumstances where the planning authority is satisfied that the performance criteria specified in the Guidelines are met.

Section 3.2 of the Urban Development and Building Height Guidelines provide development management criteria for which a proposal for a higher building should be assessed against. Having regard to the criteria in Section 3.2 of the Urban Development and Building Heights guidelines, I have undertaken an assessment of the proposed development as follows:

At the scale of the **relevant city or town**:

- *Site to be serviced with high capacity, frequent and well-connected public transport.*

The subject site is in an urban and accessible location and the scheme is 500m from the Shankill Dart Station, which operates a commuter service, and in close proximity to a high-quality bus route. The site is therefore suitable for a higher density of development in accordance with the principles established in the National Planning Framework

- *Proposals, including proposals in architecturally sensitive areas, to successfully integrate into and enhance the character and public realm of the area, with a landscape and visual assessment to be undertaken,*

The site is located to the south of Abingdon, a protected structure and the proposed apartment blocks have been designed with a reduced height along the north of the site. The applicant has submitted an Architectural Heritage Impact Assessment and I

have concluded within my assessment on built heritage the proposal will not have a significant negative impact on the character and setting of Abingdon. The applicant has submitted a Visual Impact Assessment, including photomontages of the building from the surrounding area. I consider the views clearly show the impact on the surrounding context with those taller elements of Block B & C visual from long range. I do not consider the building excessively exceed the skyline and is unlikely to have a detrimental visual impact on the subject site or surrounding context.

- *On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

At a scale relevant to Dublin City I note the location of the site within the M50 ring within an area designated for consolidation of the gateway adjacent to a Commuter DART station, I consider the proposed design includes a variety of heights, high quality materials and is not monolithic and is an appropriate urban design response to the site

At the scale of **district/ neighbourhood/street**;

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape*

The proposed scheme incorporates a significant amount of the existing trees around the site and a large amount of public and communal open space. The proposed buildings front onto a large public open space area associated with residential development. The proposal will enhance the visual interest along this public space and provide additional passive surveillance.

- *The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered,*
- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*

The buildings range in height across the site providing variation in massing. The design and layout, including the podium open space, provides a variety of levels and integrates different levels of permeability and connectivity throughout the site.

- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood*

The proposed development is BTR which has no restrictions for dwelling mix and an allowance is in place for greater flexibility in relation to private open space provision, car parking provision etc. The BTR provision at this site will assist with a greater choice and flexibility of the rental sector. A high-density development can be accommodated at this location.

**At the scale of the site/ building;**

- *Form, massing and height to be carefully modulated so as to maximise access to natural daylight, ventilation and views and to minimise overshadowing and loss of light.*
- *Appropriate and reasonable regard to be had to quantitative performance approaches to daylight provision (e.g. BRE guidelines).*
- *Where a proposal is not able to meet all of the daylight provisions, this must be identified and a rationale for any alternative compensatory design solutions must be set out, having regard to local factors, including site constraints, and the need to achieve wider planning objectives such as the securing of comprehensive urban regeneration.*

The applicant submitted daylight analysis of the impact on the rooms and a Daylight and Sunlight analysis of the impact on surrounding area. A reduction in daylight of a number of rooms in the vicinity of the site are noted with one marginally under the BRE recommendation (27%) at 26.7%. This is not considered to be a significant impact. The proposal exceeds the minimum requirement for 50% dual aspect units and can comply with SPPR 4 of the apartment guidelines.

**Site Specific Assessment.**

The applicant submitted a number of site-specific assessments, inter alia,

- Ecological information including, landscaping design, NIS, EclA, and trees surveys,

- The EclA includes bat and bird surveys and mitigation measures are integrated into both the EclA and NIS to prevent any significant negative impacts on the biodiversity of the received environment or any European Site.

In my opinion the proposed height of the apartment buildings up to 8 storeys complies with the principles for taller buildings set out in Section 3.2 of the nation building heights guidelines.

Therefore, having regard to the policies contained in the National Planning Framework and the Section 28 guidelines, I consider the increase in height which warrant a grant of permission under Section 37 (iii).

### Conclusion

11.30. Therefore, having regard to my assessment above I consider a grant of permission under Section 37 (2) (b) of the Planning and Development Act 2000 (as amended), is justified in this instance.

### **Built To Rent (BTR)**

11.31. The proposed development is for 193 no. BTR apartment units, as advertised and in the development description. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 provides guidance on Build-to-Rent (BRT) which is defined as “*purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord*”. A covenant for the entire building is required at a minimum of 15 years. A draft legal covenant accompanied the application and includes the credentials of the applicant and references those requirements as per SPPR 7 of the Apartment Guidelines. The PA note this document and consider it appropriate.

### Tenure

11.32. A number of observations have raised concern in relation to rental properties of the BTR units and the impact of the type and tenure proposed on the existing community in Shankill.

11.33. SPPR 4 of the Urban Development and Building Height Guidelines requires that in planning for the future, planning authorities must secure the minimum densities as set out in the Sustainable Residential Guidelines, a greater mix of building heights

and typologies and avoid mono-type building typologies. A Build To Rent (BTR) Justification Report accompanied the application which highlights compliance with the national policy relevant for BTR developments. The justification report submitted with the application notes a change in the demographics of the area with an increase in demand for rental properties. As highlighted in the documents and from site inspection I note that the characteristics of the existing dwellings in the vicinity of the site are of suburban 2 storey nature.

11.34. A greater mix of unit type, in the form of one and two bed units, in the Shankill area would ensure compliance with the national guidance on sustainable residential development and provide an additional housing tenure to support an urban community. Having regard to the information submitted in the justification report and the current pattern of development in the vicinity, I do not consider the management of the apartments as BTR rather than Build to Sell should have a negative impact on the existing residences, rather the model will provide a better experience for the tenant, having regard to the range and mix of typologies provided and the supplementary residential amenities, discussed below.

#### Housing Mix, Apartment Size & Private Amenity Space

11.35. The development proposed 12 (6.2%) studio and 110 (57%) one bed apartments and 71 (36.8%) 2 bed apartments.

11.36. SPPR 8 of the apartment guidelines, sets out a reduction in the normal apartment standards for developments that qualify as specific BTR developments in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units as set out in Appendix 1 of the guidelines. The submitted Statement of Consistency notes that all apartments meet the standards required in Appendix 1 of the apartment guidelines.

11.37. The PA note the amount of 3 bedroom plus dwellings in the vicinity and the requirements of SPPR 8 and are satisfied with the housing mix proposed.

11.38. Having regard to the characteristic of the surrounding area and the design and layout of the apartments, I consider the mix, size and private amenity space acceptable.

#### Communal and Recreational Facilities

- 11.39. SPPR7 categorises these facilities as i) Residential Support facilities ( operational e.g. laundry/ concierge etc.) and ii) Residential Services and Amenities ( other communal recreational e.g. – comprising of facilities for communal recreational e.g. sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc..
- 11.40. The proposed development includes a residential pavilion building (c. 93m<sup>2</sup>) located between Block B & C. Further residential amenity services are provided on the ground floor of Block A (c.243.9m<sup>2</sup>). Whilst there are no proposals for the pavilion building, the amenity space in Block A includes a gym, games lounge and co-work lounge. No specific uses are listed for the pavilion building. I consider the range of residential services and amenities reasonable to comply with SPPR 7.
- 11.41. The PA notes no concierge facility proposed. I note those case studies detailed in the BTR justification report include concierge facilities. A post room is in Block A, adjacent to other residential amenities, which I consider can be reasonably expanded to integrate a Concierge facility and should be included as a condition on any grant of permission. In addition, the applicant should be required to submit details for the use of the pavilion building for the written agreement of the PA.

#### Dual Aspect

- 11.42. SPPR 4 requires the provision of a minimum of 33% of dual aspect units in more central and accessible urban locations and 50% for suburban sites. The applicants submitted documentation states that c. 51.3% of the apartments have dual aspect. The response from the PA considers the 50% acceptable although question whether all units indicated to be dual aspect can be considered “true” dual aspect.
- 11.43. Section 4.5 of the applicant’s Housing Quality Assessment notes that every corner unit on each floor is dual aspect and both Blocks B and C have step outs to provide additional south facing aspect to allow light penetration. I note the units in Block B & C relate to 8 no apartments which have projections integrated into the living room. These units form 4% of the overall units. The protruding aspect includes an additional window to the living rooms, 2.6m in width.
- 11.44. The units in Block B have a north east aspect and the projection integrates an additional south facing aspect into the design. Likewise, the units in Block C have a north west aspect and the projection integrates an additional south facing aspect into

the design. I consider the design of these units allows for unobstructed views south. The location of the balconies allows these units to benefit from morning or evening sunlight. I consider the overall design will allow additional ventilation and add significantly to the light entering the units. It is my opinion that the design of these units, in combination with the aspects provided, allows these units to be considered as dual aspect. Therefore I consider the proposal can comply with SPPR 4 of the apartment guidelines.

#### Stair Core

11.45. SPPR 8 (v) removes the requirement for a maximum of 12 apartments per floor subject to overall design, quality and compliance with building regulations. No more than 12 no apartments per core are provided and complies with SPPR 8.

#### Car Parking

11.46. 120 no. car parking spaces are provided with 2 no GoCar spaces in the form of both podium parking and surface parking. Electric charging facilities for 10% of the spaces is proposed. Section 4.19 of the apartment guidelines and SPPR8 (iii) states there shall be a default of minimum or significantly reduced car parking provision and a strong central management regime is intended to contribute to establish and operate shared mobility measures.

11.47. The Roads Department submission noted the provision of 120 no parking spaces (ratio 0.62 per unit) which they do not consider appropriate and request the provision of an additional 73 no spaces to ensure 193 car parking spaces are included. The Transportation Section consider the future residents will not use the provided spaces and will park in surrounding estates. Third party submissions consider that the carparking provision is too low and will lead to overspill parking. These observations believe the DART is at capacity and CSO figures show car ownership in the vicinity between 80-90%

11.48. The application was accompanied by a Traffic and Transport Assessment and a Mobility Management Plan. These documents highlight the location of the site within 1km of Shankill DART station and 2 no. bus stops along Shanganagh Road. They note the use of cars in the area for commuting is 52% with public transport at 33%. The use of cycling is low and the applicant states that a modal shift to favour



walking, cycling and public transport is possible. Measures integrated into the development include the use of a Management Company to manage parking allocation on site and the use of a Mobility Manager to promote the alternative forms of transport.

11.49. I note the default position for restricted parking in SPPR 8 is predicated on the operation of shared mobility measures. The Mobility Management Plan notes the range of public transport facilities in the area which I consider sufficient to support sustainable transportation options for future residents. I consider ongoing engagement between the PA and the management company can ensure targets for modal shifts are being met and can be reasonably included as a condition on any grant of permission.

11.50. Having regard to the measures set out to manage car parking for the residents and promote a modal shift I consider the rate of 0.62 spaces per unit as a reduced quantum acceptable. I can confirm the site is well serviced by the provision of a high-quality public transport corridor and subject to compliance with the Mobility Management Plan there would be no adverse impact on the amenity of the residents in the vicinity.

#### Conclusion

11.51. Having regard to the location of the site within Shankill, in close proximity to both the DART station and bus corridors and within the ring of the M50 where it is an objective in the development plan to consolidate future development, I am satisfied that the BTR scheme is suitable and justifiable at this location and the overall design complies with the national guidance for BTR development.

#### **Vehicular Access, Permeability and Boundary Treatment**

11.52. Vehicular access into the site is via Clifton Park, to the east. Pedestrian and cycle connections are proposed both along the existing laneway off Shanganagh Road and to the south onto the public open space associated with the Rathsallagh residential estate.

#### Access through Clifton Park and Traffic and Transport Assessment (TTA)

11.53. Observations received from residents of Clifton Park raise concern over the increase of traffic from both the construction and movement of future residents. It is

considered this traffic will have a negative impact as there is limited capacity within this estate. The inclusion of traffic calming measures within Clifton Park is also requested.

11.54. A Traffic and Transport Assessment (TTA) accompanied the application. The TTA states that an increase of 23% traffic flow at the two main junctions beside the site (Commons Road/ Shanganagh Road and Shanganagh Wood Road/ Shanganagh Road) would only have marginal impacts in terms of traffic. The transport modelling also notes the impact on the Clifton Park Access will be “satisfactory” during peak times in future design scenarios (year 2039). The Transport Section note the information in the TTA and other documentation and have no objection to the use of this access at Clifton park. A submission from Transport Infrastructure Ireland (TII) requests that those recommendations from the Transport (Traffic Impact) Assessment are conditioned and funded by the developer.

11.55. I note the road network in the vicinity of the site and the existing access road into Clifton Park which is designed in a typical suburban form. I note the number of dwellings within Clifton Park (c. 52) is limited in comparison to other residential adjoining estates in the vicinity which have similar road network layouts. In addition, the overall road layout within Clifton park has been designed to facilitate future access into adjacent residential zoned lands. I do not agree the site is landlocked, as submitted in the observations, and letters of consent for the access have been provided by the Council.

11.56. In relation to the observers request for additional traffic calming measures within Clifton Park, the Board will be aware of the information contained within the TTA which states there would be a marginal impact on the traffic in the vicinity. In addition, the road layout in the immediate vicinity, through a residential area, lends for much slower traffic movements. I do not consider it necessary to request additional traffic calming measures.

11.57. Having regard to the information submitted in the TTA, the design and layout of the road network in the vicinity and the proposed 120 no car parking spaces, I do not consider the proposal will have a significant negative impact on the movement of traffic through Clifton Park. I have addressed the impact from the construction traffic separately below in relation to residential amenity.

### Bray and Environs Transport Study (2019)

11.58. The Bray and Environs Transport Study (2019) was produced by the National Transport Authority (NTA) in collaboration with Transport Infrastructure Ireland (TII). The study, based on the objectives of the Wicklow County Council development plan and Dún Laoghaire-Rathdown County Council development plan provides an assessment of the transport infrastructure needs up to 2035 for the Bray Environs Area, of which the site is included. The study is non-statutory. The submission from TII acknowledges their involvement in the Bray and Environs Transport Study (2019) and requires cognisance is given to this study.

11.59. I note the information contained within the Bray and Environs Transport Study envisages a high frequency bus connection and DART expansion programme for Shankill. The modelling presented suggests that in order to reduce work-based car travel a reduction in parking spaces is required. The Board will note my assessment on the car parking spaces above, and my conclusion that these spaces are enough to support the proposed development. I consider the information contained in the Bray and Environs Transport Study further supports this conclusion. The information contained within the study highlights that implementation of the public transport works, as per the NTA Transport Strategy and the National Development Plan, will support a future potential mode split towards public transport. I consider these works will also support a reduction in car reliance.

### Alternative Access

11.60. The submitted drawings and documentation refer to the proposed vehicular access through Clifton Park. Item 6.3 of the Architects Design Statement shows an alternative access proposal from Shanganagh Wood, adjoining the Rathsallagh estate. This alternative access provides a road, effectively a short cut across an area designated as open space, which removes the need for a longer travel through Clifton Park when travelling into the site from the south. The Transport Section welcome this alternative access as it removes the traffic from Clifton Park. The PA note the open space zoning (F) and the absence of any reference to this proposed access in any other plans or documents. The PA consider that the alternative access is not appropriate and recommend a condition on any grant of permission to prevent the use of this access.

11.61. I note the applicant has failed to provide full plans and particulars for the alternative access proposal and I consider this is purely indicative. I do not consider this access can be considered as part of the overall transport strategy for the site and any grant of permission should include a condition to disregard this potential access.

#### Pedestrian and Cycle Access

11.62. Pedestrian and cycle links are proposed along Abingdon Park, onto Shangangh Road, from Clifton Park and along the south onto the public open space associated with Rathsallagh estate. The access onto the southern area includes steps and a ramp and requires the removal of mature trees located on Council lands. A letter of consent has been submitted from the Council. The submission from the DAU has raised the impact of the tree removal, further discussed below in relation to natural heritage. I consider the design of the proposed development supports a high level of permeability by accommodating the movement and flow of pedestrians and cyclists through the site.

#### Boundary treatment

11.63. The existing chain link fence along the south of the site is to be replaced with a native hedge and 1.1m high railing. Most of the boundary hedging and trees will remain, unless specifically listed for removal in the ecological survey, further discussed below. An observation raised the absence of any boundary treatment along the west of the site. I note Drwg No. L1-102, Boundary Treatment Plan, states that the existing block wall along the east and west is to be retained. Upon site inspection, the number of mature trees and hedgerows prevented examination of that existing boundary treatment to the east although I noted a block wall along the west of the site.

11.64. I consider the retention of the boundary wall along the west and significant retention of the trees and hedging around the site in combination with additional landscaping proposed are appropriate boundary treatments. I consider a condition on any grant of permission would allow further clarity on the construction and/or retention of any block wall along the east. This could be reasonably agreed with the PA after any grant of permission.

#### Conclusion

11.65. At a strategic level the site is well located within the Dublin Metropolitan area with sustainable transport options in the form of the DART and bus service. The proposed development integrates pedestrian and cycle connections at all possible routes which I consider will supplement these sustainable transport options. I note the submissions have raised concern in relation to the level of traffic through an existing residential estate although the TTA indicates a marginal impact on the traffic in the vicinity with enough capacity at junctions at peak times. Therefore, I do not consider the proposed development would give rise to traffic congestion or endanger public safety by reason of traffic hazard.

### **Impact on Residential Amenity**

11.66. The site is located to the west of No. 1 and No. 24 Clifton Park, 2 storey end of terrace dwellings, and to the east of a large detached dwelling "Derwent" in Abingdon Park. The residential estate of Rathsallagh is located to the south and c. 10 terrace dwellings face towards the site. Approximately 3 no. detached dwellings within Abingdon Park are located to the north of the site and separated by a laneway.

11.67. The PA consider the proposal will seriously injure the residential amenities of properties located within its immediate vicinity by reasons of overshadowing, overlooking and by way of visually overbearing and recommend a refusal of permission. Observations received from residents in the vicinity of the site are concerned the proposal will have a negative impact on their amenity. I have addressed the impact on the residential amenity separately below.

### Overbearing

11.68. Due to the location of the site and design of the apartment blocks, I consider the greatest visual impact will be on those properties directly adjoining the site, to the east, west and south.

11.69. In relation to the impact to No. 1 and No. 24 Clifton Park, Block D is 5 storeys in height and is located c. 25m from the edge of the properties. The side gables of both properties face directly onto the site and no windows are orientated onto the site. Having regard to the orientation of these terrace dwellings there would be no direct overbearing. There would potentially be a perception of overbearing although this would only arise from the front or rear gardens of these properties. In this regard, I

note the scale of mature trees and hedging along the edge of the site, much of which is to be retained and having regard to these separation distance between Block D and the gable wall of the existing properties, I do not consider there will be any overbearing on the No. 1 or No. 24 which would have a significant negative impact.

11.70. The existing properties to the south of the site, within Rathallagh are separated from the site by an area of public open space, internal access road and on street carparking area. The existing dwellings will be located c.66m from the highest building (Block C). Whilst the proposed development will be visible from the existing dwelling, the overall design would not be unusual for a residential zoned site in an urban area. The majority of the trees within the public open space will be retained and additional landscaping is proposed along the south of the site. I consider these design features will enhance the urban design along the south of the site. Having regard to the separation distance and characteristics of the receiving environment, I do not consider the proposal will have overbearing impact on the residents to the south.

11.71. Derwent house is the closest dwelling to the west of the site. Block A is located c. 30m from the side of Derwent and is 5 storeys in height. A submission from the owners of Derwent was accompanied by an independent assessment of the proposal with photomontage images of Block A illustrating the proposal in the context of their site. The submitted photomontages indicate that Block A will be visible from the adjoining site. I consider it reasonable that any zoned lands within the Dublin Metropolitan area could have heights greater than those in the immediate vicinity, particularly in the older areas which have some extremely low density. I consider the only proposal on the subject site which would not be visible from the adjoining site to the west would be low density 2-3 storey dwellings. Having regard to need for compact urban form, this scale of density is not appropriate for the subject site. The 5-storey building, while visible, is set a distance of c. 30m from Derwent and is separated by a block wall and mature hedging at least 2m in height. Therefore, I do not consider the proposal would cause any significant negative impact by way of overbearing.

#### Overlooking

- 11.72. Block A includes balconies along the western elevation. The submission from the owners of Derwent house also included an image from a drone, stated to be at a height approximate to the proposed Block A. It is argued the proposal will overlook the property and therefore have a negative impact on the residential amenity. I note the location of these balconies are recessed behind the building line and orientated towards Derwent.
- 11.73. Section 8.2.3.3 of the development plan, apartment development, details requirements for a separation distance of c. 22m for apartment blocks up to 3 storeys in height. In taller blocks a greater separation distance may be required. I note a separation distance of c. 30m has been provided which I consider will prevent any mitigate any adverse impacts from overlooking into Derwent property. The private amenity space for Derwent extends south and west of the dwelling, therefore not directly overlooked from the proposal.
- 11.74. The orientation of the Block D to the east of the site is such that there would be no direct overlooking into the properties of those dwellings in Clifton Park. All other properties in the vicinity of the site are at such a distance, c. 30m, from the proposed buildings that there would be no significant negative impact on the residential amenity by way of overlooking. The significant retention of an mature trees and hedgerows along the east of the site will allow further mitigation against any significant potential overlooking impacts on Clifton Park.

#### Overshadowing

- 11.75. A Sunlight and Daylight Analysis accompanied the application. The impact of the shadow cast on the rear gardens of Clifton Park in March, Derwent in the morning of the summer, and in the grounds of Abingdon house has been raised in the PA submission.
- 11.76. Table 2.1 of the sunlight and daylight analysis includes the predicted impact of the proposed development on the daylight of the sample rooms of properties in the vicinity of the site. This analysis uses the criteria of the BRE Guide and the minimum threshold of 27% for Vertical Sky Component (VSC) or not less than 0.8 times its former value. This analysis notes three locations at properties within the vicinity where the VSC is below 27%. I note two of these locations, No. 1 Clifton Park and Liskilleen, currently have measurements below 27% and the further reduction is not

less than 0.8 times its former value, therefore the reduction in daylight is slight, complies with the guidelines and is not deemed to be adverse. The VSC at window 1, Derwent, is reduced from 34% to 26.7%, slightly under the recommended 27% and 0.79 times its former value. The submission from the residents of Derwent consider the level as unacceptable as it is under the threshold. I note the impact on the room and whilst under the recommended 27% VSC the Board will note a slight reduction of 0.3% and only minimally under the recommended 0.8 times the former value. Therefore, I do not consider the reduction as significant.

11.77. Table 3.1 of the daylight and sunlight analysis includes a breakdown of the impact on the sunlight and daylight to the gardens of these properties in the vicinity of the site. A slight to moderate impact is predicted on the gardens of No. 1 and No. 24 Clifton Park from approximately mid-day to evening during the March Equinox. I note the height of Block D is c. 17m and the building is located c. 26m from the side of the dwelling. Due to the orientation of the site and the location and design of Block D there will be no overshadowing on the rear of these properties during the summer months. In this regard, I consider the impact of overshadowing on the private amenity space of the existing residents will not be significant.

11.78. In relation to Abingdon, the PA notes there is already a degree of overshadowing to the front of the dwelling, which arises from the property itself. This aside, they consider the impact on the protected structure remains of concern. I note the shadow analysis includes the shadow cast from part of Block B on the side garden of Abingdon in the morning of December. I note this a slight extension of the shadow cast from the existing dwelling and having regard to the amount of shadow, the duration and the large expanse of private garden around site which will not be overshadowed, I do not consider any significant overshadowing impacts arise from. In relation to the impact on the character and setting of the PS, I note the extensive gardens associated with Abingdon House and I do not consider the slight increase of overshadowing to the west of the house would have a significant negative impact on the character or setting of the PS.

11.79. Therefore, having regard to the orientation of the site, the location of the properties in the vicinity and the design of the proposed development, I do not consider the proposal will lead to a significant negative impact on those adjoining properties by way of overshadowing.



### Construction Activity

11.80. The impact of construction activity on the residential amenity is raised in several submissions. The application is accompanied by an Outline Construction and Demolition Waste Management Plan and an Outline Construction Management Plan. These documents detail the working hours as 07:00 to 19:00 Monday to Friday and 08:00 to 16:30 on Saturday. HGV movement to and from the site will be restricted to 6 per hr and noise and vibration will be restricted to British Standard or levels conditioned by the Council. I note no issues raised by the PA in relation to the construction activities and the Transport Section recommends the submission of a comprehensive construction traffic management plan, which I consider reasonable.

### Conclusion and PA recommendation

11.81. The PA considers the proposal will have a negative impact on the adjoining residential amenity by way of overlooking, overshadowing and overbearing. The design approach includes four apartment blocks which are stepped down on the boundaries adjoining the existing residential development. I consider this design approach reasonable to protect the amenities of the existing residents. The PA consider the proposal remains too high and those blocks should be further reduced. In the event of a grant permission the PA recommend a condition is included requiring the reduction in the height of block B, C & D. The recommendation did not include any alterations to Block A, adjoining Derwent. The Board will note my assessment above in relation to the orientation and separation distance of Block D from the side of Clifton Park and in this regard, I see no specific requirement for the reduction in height of this block.

11.82. Therefore, having regard to the orientation of the site, the design of the apartment blocks and the location of the adjoining dwellings, I do not consider the proposed development would have a significant negative impact on the residential amenity of the residents in the adjoining properties, by way of overlooking, overbearing or overshadowing or construction activities.

### **Natural Heritage**

The site is currently agricultural in nature, bound by mature trees and hedges. Several mature trees are located along the north of the site and there is an objective in the development plan to protect these. Several submissions raised concern in

relation to the tree removal, ecological impact and bat assessment. A submission from the Development Application Unit (DAU) of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media references the impact on tree removal and bats, each dealt with separately below. This submission highlights certain discrepancies in the submitted documentation relating to the removal of trees along the south of the site.

Tree removal and impact on the tree protection objective

- 11.83. Map 10 of the development plan illustrates a tree symbol along the north of the site, adjacent to the existing entrance, with an objective to “*To protect and preserve trees and woodlands*”. The application was accompanied by an Ecological Impact Assessment, a Tree Survey Drawing, Arboricultural Tree Survey Report, Impact Assessment and Tree Root Protection Plan.
- 11.84. In the first instance, the Board will note that there is no individual Tree Protection Order (TPO) on any of the trees on the site. The objective in the development plan refers collectively to all the trees on the site. Having regard to the information contained in these reports, I consider there is enough information to undertake an assessment on the impact.
- 11.85. The tree survey reports no Grade A trees on the site, 3 no. Grade B trees (Horse Chestnut and Monterey Pine) and the remaining are classified as Grade C. 124 no. trees are to be removed from the site mostly classified as Grade C Leylandi along the south of the site. Along the north 1 no. Monterey Pine, 1 no Sycamore and 2 no Alder are to be removed. I note the tree protection plan refers to the poor condition of some trees to be removed with one large Monterey Pine along the north. A young alder tree along the south-east is also to be removed to facilitate the development. The tree lines along the north, west and south will be marked as exclusion zones for site construction machinery.
- 11.86. I note the majority of trees to be removed are Leylandi non-native trees. Section 6.3 of the Ecological Impact Assessment (EclA) states that the removal of those individual trees will not significantly impact the hedgerow or treeline habitats. Having regard to the limited number of mature trees to be removed and the assessments and mitigation measures contained within the EclA, I do not consider the proposed

development will have a negative impact on the objective on the site to protect and preserve the woodlands.

#### Removal of trees on the Local Authority Lands

11.87. As shown on Tree Protection Plan DWG Ref 20.04.CD.04A four no. trees are proposed to be removed on Local Authority lands along the south of the site in the public open space to accommodate pedestrian and cycle connectivity. This tree protection plan drg illustrates trees to be retained in green, whilst other trees on the PA lands are coloured grey. There is no denotation for these trees. The expert submission from the DAU refers to the impact of the tree removal on bats. They note the EclA references only the removal of 2 no. trees along the northern boundary and not the removal of the Leylandi or council trees along the south. The Board will note the trees along the south in the PA lands have bat boxes attached. The impact of the trees removal on the bats is further detailed below although the Board will note the majority of bat activity along the north of the site, being the reason the EclA references only those trees removed from the north.

11.88. In relation to the tree removal, as stated above I consider the number and types of trees removed would not have a significant negative impact on the ecological value of the site and I consider a condition on any grant of permission restricting the tree removal to those illustrated on the tree protection plan is reasonable.

#### Bats

A Bat Activity Survey accompanied the EclA. Figures 8 & 9 identify the locations of potential roost sites based on the bat activity recorded. Expert submissions were received from Development Application Unit (DAU) of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and raised a number of issues regarding the impact on the bats. The submission considered the EclA has failed to provide a full assessment of the impact on bats from the loss of potential roost in double tree rows south of the development site on local authority lands. It was noted by the DAU that any identification of potential roost of a rarer species may require modifications to the SHD such as road access or on-site parking. This aside, the submission notes those mitigation measures contained within the EclA and the NIS generally appropriate to mitigate against any effects on bats. In the event of any grant of

permission, a condition for the undertaking of a bat conservation plan is recommended, with design details for a bat friendly lighting scheme integrated.

11.89. I note the majority of bat activity recorded in the EclA along the north of the site. One large Monterey Pine is proposed for removal along the north. As stated above, bat boxes are located on those trees within the LA ownership. The bat surveys did not detect a significant amount of bat activity along the southern boundary of the site. This aside, I note the removal of 4 no trees within the Tree Protection Plan, which I do not consider will have a significant negative impact on the bat activity of the site.

11.90. Mitigation measures listed in the EclA include a restriction on the construction operation, use of specialised lighting and checking trees for bat roosts prior to felling and monitoring the remaining bat boxes. I consider these measures reasonable to protect the bat activity on the site, the Board should also note the DAU submission was satisfied in general with these mitigation measures. Therefore, having regard to the surveys submitted, the limited number of trees to be removed along the north and south and the mitigation measures contained in the EclA, I do not consider the proposal will have a significant negative impact on the bat activity on the site or surrounding area.

#### Invasive Species

11.91. The EclA identified two invasive species on the site, Three-cornered leek and Rhododendron. The removal and treatment of these invasive species as per the Invasive Species Ireland Best Practice Management Guidelines is recommend. I note the Outline Construction and Demolition Waste Management Plan does not reference any invasive species. Having regard to the presence of the invasive species on the site, a condition to treat and remove the invasive species is reasonable.

#### Conclusion.

11.92. In conclusion, the largest ecological impact on the site is the removal of the row of Leylandi along the south of the site, adjoining the public open space area. The impact of additional light on the bat activity is highlighted in the DAU submission. Other issues raised relate to further discrepancies in the documentation. The majority of the bat activity has been recorded on the site along the north and west of the site. Most of these trees and hedges will be retained. Mitigation measures contained in the EclA and NIS relating to timing of works, appropriate lighting etc.

can be reasonably conditioned in a construction management plan to ensure minimal impacts on the ecological value of the site. I consider a condition restricting the removal of trees to those identified in the Tree Protection Plan DWG Ref 20.04.CD.04A can eliminate any of those concerns raised by the DAU relating to the mature trees in the local authority lands. In addition, a bat conservation plan can ensure the mitigation measures are implemented.

## **Built Heritage**

### Protected Structure

- 11.93. The site is located to the south of Abingdon House, a protected structure (PS). An Architectural Heritage Impact Assessment (AHIA) accompanied the application. The AHIA provides a background to the PS and the characteristics of the surrounding area and notes the inclusion of the site within the curtilage of the PS. The 4 no large detached dwellings along Abingdon Lane were built in early C. 20<sup>th</sup>. The impact assessment presented in the AHIA references the Visual Verified Views Methodology Report and the Visual Impact Assessment Report which accompanied the application and concludes that the proposed development would respect the scale, height, massing and alignment on the protected structure.
- 11.94. A submission received from the owner of the PS raised concern over the use of photographs from the site to produce the visuals and photomontages. In addition, they are concerned over the lack of clarity from the documentation including reference to the location of the PS.
- 11.95. I note the location of the Abingdon PS c. 40m to the north of the apartment blocks, separated by the access road into the site and a large detached two storey dwelling "Liskilleen". Although the development description and site notices reference the location as "Abingdon", the access road to the site and surrounding area is known as "Abingdon Park". I consider the reference Abingdon reasonable to adequately locate the site and the Board will note 52 no submissions were received.
- 11.96. The height of the Blocks B & C, which are closest to the PS, drop to 5 storeys along the northern boundary. The Visual Verified Views Methodology Report and Visual Impact Assessment outline the proposed development in the context of the protected structure. When viewed from the front of Abingdon house the view illustrate that the

proposed development would not be visible. I consider the photomontages and visual images are sufficient to assess the impact on the PS.

11.97. The Board will note the use of the site as agricultural with no features of interest associated directly with the PS. Chapter 13 of the Architectural Heritage Protection Guidelines provides guidance for assessing the impact of any proposal on the character of the PS. Having regard to this assessment criteria I can conclude that there are no special features impacted which relate to the PS, the laneway which provided access will remain unchanged and will be used for pedestrian/cycle connectivity. In addition, most of the mature trees will remain along the north of the site which will prevent any detrimental impact on the surrounding area.

11.98. I consider the design of the proposal, with the stepped heights along the north boundary respect the setting of the PS. I consider the higher elements of the proposal including the 7 and 8 storeys on Blocks B & C are located at such a distance from the PS that any visual impact would not, be significant. The Board will note the visual impact assessments and photomontages illustrate an absence of any impact.

11.99. Therefore, having regard to the location of the proposed buildings c. 40m from the PS and the design of proposed development I do not consider the proposal will have a negative impact on the character or setting of the Abingdon PS.

#### Archaeology

11.100. The submitted Archaeological Impact Assessment notes the nearest recorded monument c. 184m to the west at Shanganagh Castle (RMP DU026-031001). A geophysical survey and archaeological testing carried out in late 2020 did not identify any archaeological deposits or features on the site. Having regard to the potential to discover other unrecorded features, the impact assessment recommends additional monitoring during construction. The submission from the DAU refers to Section 6.2 of the impact assessment (Mitigation) and recommends a condition requiring archaeological monitoring on any grant of permission. I note the location c. 184m from a recorded monument and I consider the inclusion of this condition reasonable.

#### **Chef Executive (C.E) Submission**

11.101. The submission from the C.E recommends a refusal of permission based on the scale, massing and height of the overall proposal and the impact on the residential amenity and protected structure. The Board will note no specific reference to any material contravention in this submission, rather it is considered the proposal is contrary to Policy UD1 and Appendix 9 of the development plan. I have summarised each of the issues with summarised responses from the above assessment.

Design and layout:

11.102. The PA consider the proposed development, by reason of its overall scale, height and massing, fails to have regard to its surrounding context and will have a detrimental impact on the character of the surrounding area and does not comply with Policy UD1 of the development plan.

11.103. As stated above in my assessment, Policy UD1 relates to appropriate urban design for proposed development. I consider the site an appropriate infill site for high density residential development. The four apartment blocks have been stepped down to 5 storeys along the boundaries of the site with the taller elements of, 7 and 8 storey, centrally located, adjoining a large expanse of public open space. In this regard, I consider the proposed development represents an optimal design solution for higher density development and complies with the 12 criteria in the Urban Design Manual.

Height and Material Contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022:

11.104. The PA consider the proposed height is not acceptable, contrary to Policy UD1 and Appendix 9 (Building Height Strategy) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022 and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG) and the height of Blocks B, C & D should be reduced in the event of any grant of permission.

11.105. The proposal has been advertised as material contravention and accompanied with a Statement of Material Contravention relating to the height of the proposal. The PA make no specific reference to a material contravention although consider the proposal contrary to Appendix 9 of the development plan. As stated above in in my assessment, the upward modifiers for taller buildings can be applied

at this location. Notwithstanding the application of the upward modifiers I consider the proposal over 6 storeys is a material contravention and I have provided the Board with a detailed assessment of the proposal under S37 Section 37 (1) and (iii) of the Planning and Development Act. This assessment addresses the development management criteria of Section 3.2 of the Urban Building Heights Guidance for taller buildings. Having regard to this assessment, the overall design and layout and absence of any unacceptable impact on the residential amenity of the adjoining properties I consider the height of the proposal acceptable. I do not consider a reduction in the height of Blocks B, C or D, as per the PA recommendation necessary.

#### Impact on residential amenity

11.106. The PA consider the proposal will seriously injure the residential amenities of properties located within its immediate vicinity by reason of overshadowing, overlooking and by way of visually overbearing.

11.107. As per my assessment above, I have undertaken an in-depth analysis of the potential overbearing, overlooking and overshadowing impacts on those properties in the vicinity. I have concluded that having regard to the orientation of the site, design of the apartment blocks and separation distances from adjoining properties, the proposal will not have a significant negative impact on the residential amenity of properties in the vicinity.

#### Protected Structure

11.108. The PA do not consider the proposal respects the character and setting of the protected structure Abingdon House and the overshadowing from the apartments will have a negative impact.

11.109. As per my assessment above, Abingdon House is located c.40 to the north of the site and separated by Liskilleen house and the access laneway into Abingdon Park. The heights of the Blocks B & C which are closest to Abingdon House are stepped down to 5 storeys. The photomontages submitted with the applicant indicate the proposal will not be visible from the front of the PS. Additional overshadowing will occur in the garden of Abingdon House although I do not consider this will have a significant negative impact on the character and setting of the



## Conclusion

11.110. Having regard to the forgoing assessment and throughout my report, I do not consider the proposal warrants a refusal as recommended in the CE submission. In addition, I do not consider a reduction in the heights of Blocks B, C or D necessary to respond adequately to the surrounding environment.

## **12.0 Environmental Impact Assessment (EIA)**

12.1. 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.)

12.2. The proposed development is for 193 no. Built to Rent apartments on a site c. 1.46ha in size. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).

12.3. The applicant submitted an environmental assessment including the information set out in Schedule 7A of the Planning and Development Regulations, 2001 (as amended) to allow a screening for EIA in accordance with the criteria in Schedule 7 regarding the

- Characteristics of Proposed Development
- Location of Proposed Development
- Types and Characteristics of Potential Impacts

12.4. I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7A information and other information which accompanied the application including, inter alia, Appropriate Assessment Screening, landscape details, third party submissions and I have

therefore completed a screening assessment as set out in Appendix B Screening Determination Report.

12.5. I recommend to the Board 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.

The conclusion of this is assessment is as follows:

Having regard to

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(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 Dun Laoghaire-Rathdown Development Plan 2016-2022,
- c) The existing use on the site and pattern of development in surrounding area;
- 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),
- f) 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),
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- h) 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 Outline Construction & Demolition Waste Management Plan.

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.

## 13.0 **Appropriate Assessment**

### 13.1. **Introduction**

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

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

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

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

The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Statement (NIS) as part of the planning application. They have been prepared by Scott Cawley. The **AA Screening Report** provides a description of the

proposed development and identifies European Sites within a possible zone of influence (in this case 15km radius) of the development. The AA screening report concludes that “*the possibility of significant effects from the proposed development on the following Natura 2000 sites cannot be ruled out:*

- Dalkey Islands SPA (004172)
- Rockabill to Dalkey SAC (003000)

Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

### 13.3. **Screening for Appropriate Assessment - Test of likely significant effects**

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

### 13.4. **Brief Description of the Development**

The applicant provides a description of the project in Section 3.1 of the Screening Report. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

#### **Construction Phase (estimated duration: 48 months)**

- Construction traffic may transport polluting substances such as silts, oils from machinery and cementitious materials into the Loughlinstown River

#### **Operational Phase (estimated duration: indefinite)**

- Contamination of Surface water run-off and or groundwater.

### 13.5. **Submissions and Observations**

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in other sections of this report. One of the observations noted the absence of a PNHA in the NIS.

An expert submission was received from Development Application Unit (DAU) of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. The issues raised are summarised below:

- The mitigation measures in the Construction and Environmental Management Plan (management ground water, fuelling of vehicles, etc) are noted.
- Any clearance of vegetation should be avoided during the bird nesting season.
- Bat species have protection under the Habitats Directive.
- The EclA has failed to provide a full assessment of the impact on bats from the loss of potential roost in double tree rows south of the development site. In addition, dawn and dusk surveys should be carried out at times when Bats are active.
- Any identification of potential roost of a rarer species may require modifications to the SHD such as road access or on-site parking.
- This aside measures included in the EclA and NIS are generally appropriate to mitigate the effects on bats.
- Permission is recommended subject to the inclusion of measures incorporated into the CEMP, restriction on vegetation clearance and the submission of a bat conservation plan.

### 13.6. European Sites

The development site is not located in a European site. The Screening Assessment notes a zone of influence around the site

A summary of European Sites that occur within 15km of the proposed development is presented in the table below.

European Site (code)	List of Qualifying interest (QI) /Special Conservation Interest (SCI)	Distance from proposed development (Km)	Conservation objectives
<b>SAC</b>			
Rockabill to Dalkey Island (003000)	Reefs (1170) Harbour porpoise <i>Phocoena phocoena</i> (1351)	c. 2km north east	To maintain the favourable conservation condition of both the Harbour Porpoise and Reefs
Ballyman Glen SAC [000713]	7220 Petrifying springs with tufa formation (Cratoneurion)* 7230 Alkaline fens	c.4.4km south west	To restore the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion)* and Alkaline fens
Bray Head SAC [000714]	1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths	c.5.3km south east	To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts  To restore the favourable conservation condition of European dry heaths
Knocksink Wood SAC [000725]	7220 Petrifying springs with tufa formation (Cratoneurion)* 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles 91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*	c. 5.7km south west	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected
South Dublin Bay SAC [000210]	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	c. 6.5km north west	To maintain the favourable conservation condition of habitats  *See South Dublin Bay SPA also
Wicklow Mountains SAC [002122]	3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with Erica tetralix 4030 European dry heaths	c. 8.3km south west	To maintain the favourable conservation condition Oligotrophic waters containing very few minerals of sandy plains, Natural dystrophic lakes and ponds, Calaminarian grasslands of the

	<p>4060 Alpine and Boreal heaths  6130 <i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i>  6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)  7130 Blanket bogs (* if active bog)  8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)  8210 Calcareous rocky slopes with chasmophytic vegetation  8220 Siliceous rocky slopes with chasmophytic vegetation  91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles  1355 <i>Lutra lutra</i> (Otter)</p>		<p><i>Violetalia calaminariae</i> and Otter.</p> <p>To restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i>, European dry heaths, Alpine and Boreal heaths, Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas, Blanket bogs, Siliceous scree of the montane to snow levels, f Calcareous rocky slopes with chasmophytic vegetation, Siliceous rocky slopes with chasmophytic vegetation, Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p>
Glen of the Downs SAC [000719]	91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	c. 10.8km south	To restore the favourable conservation condition of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles
North Dublin Bay SAC [000206]	<p>1140 Mudflats and sandflats not covered by seawater at low tide  1210 Annual vegetation of drift lines  1310 <i>Salicornia</i> and other annuals colonising mud and sand  1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)  1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)  2110 Embryonic shifting dunes  2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)  2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)  2190 Humid dune slacks  1395 Petalwort <i>Petalophyllum ralfsii</i></p>	c. 11.7km north	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows (<i>GlaucoPuccinellietalia maritimae</i>), Fixed coastal dunes with herbaceous vegetation, Petalwort,.</p> <p>To restore the favourable conservation condition of Annual vegetation of drift lines, <i>Salicornia</i> and other annuals colonizing mud and sand, Embryonic shifting dunes, Humid dune slacks.</p>
Howth Head SAC [000202]	1230 Vegetated sea cliffs of the Atlantic and Baltic coasts	c. 13.5km north	To maintain the favourable conservation

	4030 European dry heaths		condition of Vegetated sea cliffs of the Atlantic and Baltic coasts and European dry heaths.
Carriggower Bog SAC [000716]	7140 Transition mires and quaking bogs	c. 14.7km south west	To maintain the favourable conservation condition of Transition mires and quaking bogs
The Murrrough Wetlands SAC [002249]	1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks 1330 Atlantic salt meadows ( <i>Glaucopuccinellietalia maritimae</i> ) 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> 7230 Alkaline fens	c. 14.8km south east	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:
<b>SPA</b>			
Dalkey Islands SPA [004172]	A192 Roseate Tern <i>Sterna dougallii</i> A193 Common Tern <i>Sterna hirundo</i> A194 Arctic Tern <i>Sterna paradisaea</i>	c. 3.8km north east	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
South Dublin Bay and River Tolka Estuary SPA [004024]	Light-bellied brent goose <i>Branta bernicla hrota</i> [A046] Oystercatcher <i>Haematopus ostralegus</i> [A130] Ringed plover <i>Charadrius hiaticula</i> [A137] Grey plover <i>Pluvialis squatarola</i> [A141] Knot <i>Calidris canutus</i> [A143] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A149] Bar-tailed godwit <i>Limosa lapponica</i> [A157] Redshank <i>Tringa totanus</i> [A162] Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] Roseate tern [A193] Arctic tern [A194] Wetland and waterbirds [A999]	c. 6.4km north west	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
Wicklow Mountains SPA [004040]	A098 Merlin <i>Falco columbarius</i> A103 Peregrine <i>Falco peregrinus</i>	c. 8.3km south west	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA



North Bull Island SPA [004006]	A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> A048 Shelduck <i>Tadorna tadorna</i> A052 Teal <i>Anas crecca</i> A054 Pintail <i>Anas acuta</i> A056 Shoveler <i>Anas clypeata</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A140 Golden Plover <i>Pluvialis apricaria</i> A141 Grey Plover <i>Pluvialis squatarola</i> A143 Knot <i>Calidris canutus</i> A144 Sanderling <i>Calidris alba</i> A149 Dunlin <i>Calidris alpina</i> A156 Black-tailed Godwit <i>Limosa limosa</i> A157 Bar-tailed Godwit <i>Limosa lapponica</i> A160 Curlew <i>Numenius arquata</i> A162 Redshank <i>Tringa totanus</i> A169 Turnstone <i>Arenaria interpres</i> A179 Black-headed Gull <i>Croicocephalus ridibundus</i> A999 Wetlands & Waterbirds	c. 11.7km north	To maintain the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests for this SPA
Howth Head Coast SPA [004113]	A188 Kittiwake <i>Rissa tridactyla</i>	c. 13.9km north east	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
The Murrrough SPA [004186]	[A001] Red-throated Diver <i>Gavia stellata</i> [A043] Greylag Goose <i>Anser anser</i> [A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A050] Wigeon <i>Anas penelope</i> [A052] Teal <i>Anas crecca</i> [A179] Black-headed Gull <i>Chroicocephalus ridibundus</i> [A184] Herring Gull <i>Larus argentatus</i> [A195] Little Tern <i>Sterna albifron</i> [A999] Wetland and Waterbirds	c. 15.8km south east	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
Baldoyle Bay SPA [004016]	[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck ( <i>Tadorna tadorna</i> ) [A137] Ringed Plover <i>Charadrius hiaticula</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i>	c. 16.8km north	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

	[A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A999] Wetland and Waterbirds		
Ireland's Eye SPA [004117]	[A017] Cormorant <i>Phalacrocorax carbo</i> [A184] Herring Gull <i>Larus argentatus</i> [A188] Kittiwake <i>Rissa tridactyla</i> [A199] Guillemot <i>Uria aalge</i> [A200] Razorbill <i>Alca torda</i>	c. 17.6km north east	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

### 13.7. Assessment of likely significant effects.

Section 3.3 of the applicants screening report “*Assessment of Effects on European Sites*” includes an assessment of the proposed development on any European Site within the Zone of Influence. The assessment is summarised below:

#### No Impact:

- There is no risk of direct habitat loss.
- The existing dry meadow grassland habitat is not a suitable in-landing feeding habitat for wintering SCI species.
- Winter surveys did not record any evidence of Light-bellied Brent Goose on the site.
- There are no European sites at risk of direct or ex situ habitat loss impacts.
- Foul waters will be eventually directed to Shanganagh WWTP which has capacity to accommodate the proposal.
- The site lies down gradient from any groundwater dependant habitats in the Knocksink Wood SAC, Wicklow Mountain SAC, Carriggower Bog SAC and the Murrough Wetlands, and therefore will not cause any derogation via groundwater flow.
- The European Sites within Dublin Bay are not considered a potential source receptor given that Dublin Bay is a separate coastal water body.

#### Potential Impact:

- Surface water will eventually discharge into Killiney Bay which has the potential to affect the water quality of the Bay via contamination.

- Breeding species of SCI of Dalkey Island SPA who utilise the coastal waters for feeding and roosting.
- Harbour porpoise would be vulnerable to an accidental pollution incident.
- Reef Habitats are susceptible to sedimentation and changes in water quality.
- Three-cornered leek and Rhododendron have been recorded on the site and there is potential of a spread of invasive species.

13.8. Having regard to the potential impacts listed above specifically the distances from European sites, the insignificant increase in loading in the WWTP, the lack of suitable habitat for wintering bird species it can be concluded that the proposed development would have no potential for likely significant effect on the following European Sites:

- Ballyman Glen SAC [000713]
- Bray Head SAC [000714]
- Knocksink Wood SAC [000725]
- South Dublin Bay SAC [000210]
- Wicklow Mountains SAC [002122]
- Glen of the Downs SAC [000719]
- North Dublin Bay SAC [000206]
- Howth Head SAC [000202]
- Carriggower Bog SAC [000716]
- The Murrough Wetlands SAC [002249]
- South Dublin Bay and River Tolka Estuary SPA [004024]
- North Bull Island SPA [004006]
- Howth Head Coast SPA [004113]
- The Murrough SPA [004186]
- Baldoyle Bay SPA [004016]
- Ireland's Eye SPA [004117]

Therefore, having regard to the potential for habitat degradation as a result of hydrological, hydrogeological and introduction/ spread of invasive species, it cannot be concluded that there is a possibility for significant effects on Dalkey Islands SPA and Rockabill to Dalkey SAC.

I note submissions relating to the absence of p NHA in the assessment and comments from the DAU relating to the impact on bats. In this regard I note the absence of any bat species listed as species of conservation interest in any European sites within the zone of influence. The potential impact on bats and their associated habitats is addressed in the natural heritage assessment above. In this regard, I concluded the proposal would not have a significant negative impact on the bat species on the site and the inclusion of a condition would ensure further protection of the bat population. In relation to the p NHA site, appropriate assessment relates specifically to the impact on designated European Sites. The potential impact on overall ecology is also addressed in the natural heritage section above.

#### 13.9. **Screening Determination**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on 2 European Sites in view of the Conservation Objectives of those sites, and Appropriate Assessment is therefore required for the following:

- Rockabill to Dalkey Island SAC [003000]
- Dalkey Islands SPA [004172]

13.10. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.

- Ballyman Glen SAC [000713]
- Bray Head SAC [000714]
- Knocksink Wood SAC [000725]

- South Dublin Bay SAC [000210]
- Wicklow Mountains SAC [002122]
- Glen of the Downs SAC [000719]
- North Dublin Bay SAC [000206]
- Howth Head SAC [000202]
- Carriggower Bog SAC [000716]
- The Murrough Wetlands SAC [002249]
- South Dublin Bay and River Tolka Estuary SPA [004024]
- North Bull Island SPA [004006]
- Howth Head Coast SPA [004113]
- The Murrough SPA [004186]
- Baldoyle Bay SPA [004016]
- Ireland's Eye SPA [004117]

Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

### 13.11. The Natura Impact Statement

The application included a NIS for the proposed Strategic Housing Development at lands in Abingdon, Shankill, Co. Dublin. The NIS provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on the following European Sites:

- Dalkey Islands SPA [004172]
- Rockabill to Dalkey Island SAC [003000]

The NIS includes the background and screening assessment and detail of all consultations and surveys. Habitat surveys, breeding bird surveys, bat activity surveys and monitoring all assisted the screening and appropriate assessment.

### 13.12. Potential Impact on identified European Sites at risk of effects

A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS. The following potential impacts have been identified

- Habitat degradation as result of hydrological impacts,
- Habitat degradation as result of hydrogeological impacts,
- Habitat degradation as s results of introducing/ spreading non-native invasive species.

#### Hydrological.

There are no surface water features through the site and the Shanganagh River is located c. 140m to the north of the site. This River drains to the Killiney Bay coastal waterbody. Contaminated surface water run-off, silt run-off or accidental pollution event during construction or operation has the potential to affect the receiving aquatic environment.

#### Hydrogeological

The groundwater flows from the site towards the Shanganagh River. An accidental pollution event through construction could affect the water quality of Killiney Bay via the groundwater. Contaminated groundwater has the potential to undermine the conservation objectives of the Dalkey Bay SPA.

#### Invasive Species

As three-cornered leek and rhododendron have been recorded within the site there is potential for invasive species to spread or be introduced to European Sites. Mitigation measures are required to treat the species and prevent the spread.

### **13.13. Appropriate Assessment of implications of the proposed development on each European Site**

The following sites are subject to Appropriate Assessment :

- Dalkey Islands SPA [004172]
- Rockabill to Dalkey Island SAC [003000]

## Dalkey Island SPA [004172]

There will be no direct impacts on Dalkey Island SPA as a result of the proposed development. The conservation objectives of the Qualifying Interest habitats and species of Dalkey Island SPA is listed below.

European Designated Site	Special Conservation Interest Species (SCI)	Conservation Objective (favourable status)
Dalkey Island SPA [004172]	A192 Roseate Tern <i>Sterna dougallii</i> A193 Common Tern <i>Sterna hirundo</i> A194 Arctic Tern <i>Sterna paradisaea</i>	To <b>Maintain or restore</b> the favourable conservation condition of the bird species listed.

The **potential impact** on each of the bird species and their conservation objectives have been assessed in the NIS. The species of the breeding and pre-migrating/ pot-migrating Roseate, Common and Arctic Terns use the intertidal and marine habitats in the Killiney Bay for feeding and roosting. The potential impacts on each species is summarised below:

- Contaminated surface water run-off,
- Impact on the water quality of Killiney Bay through ground water contamination,
- Spread of invasive species.

**Mitigation measures** to protect the water quality and prevent the spread of invasive species is listed in Section 7.1.4 of the NIS as summarised below:

- Project specific measures in the CEMP following best practice construction measures to protect water quality,
- During construction the pouring of materials, refuelling, storage of fuel and chemicals will be controlled,
- Appropriate dewatering system and groundwater management system specific to prevent run- off or sediment run- off,
- The use of SuDS during operation of the proposed development.
- Qualitative and quantitative monitoring to ensure the water is of sufficient quality to discharge to the river.

- Eradication of Invasive species.
- The use of a detailed invasive species management plan.

In terms of **in combination effects**, Section 8 of the NIS provides an assessment of other plans or projects which have the potential to act in combination with the proposed development to adversely affect the integrity of Dalkey Islands SPA or another European Site. It is stated that there is potential for any landuse activities to impact the water quality of Killiney Bay although there are specific polices in the development plan to protect biodiversity and those European Sites. No specific plan or projects are listed.

In **conclusion** following an examination, analysis and evaluation of the potential impacts of the proposed development on the conservation objectives of Dalkey Island SPA, the NIS concludes that considering the best scientific evidence the proposed development does not pose a risk of adversely affecting the integrity of the Dalkey Islands SPA. I note those mitigation measures have been specifically tailored to prevent any impact on the surface or ground water quality, which I have assessed and consider reasonable. I also note the proposed eradication of existing invasive species on site and the management of possible future introduction of invasive species, which I consider is in line with best practice methods. Having regard to the information in the NIS and considering the mitigation measures, I can conclude that the proposed development would not adversely affect the integrity of the Dalkey Island SPA in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

### Rockabill to Dalkey Island SAC

13.14. The site is located c. 2km to the south west of Rockabill to Dalkey SAC and there will be no direct impacts on this SAC as a result of the proposed development. The conservation objectives of the Qualifying Interest habitats and species of Rockabill to Dalkey SAC is listed below.

European Designated Site	Special Conservation Interest Species (SCI) Species in <b>Bold</b> are those considered in the detailed assessment of impacts	Conservation Objective (favourable status)
Rockabill to Dalkey Island (003000)	Reefs (1170)	To Maintain the favourable conservation condition of the Annex I habitat and the Annex



	Harbour porpoise <i>Phocoena phocoena</i> (1351)	II species for which the SAC has been selected,
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The **potential impact** on each of the habitat and species and their conservation objectives have been assessed in the NIS. Both the Harbour porpoise species and Reef habitat are susceptible to changes in water quality. The potential impacts on both is summarised below:

- Contaminated surface water run-off,
- Impact on the water quality of Killiney Bay through ground water contamination.

**Mitigation measures** to protect the water quality and prevent the spread of invasive species is listed in Section 7.1.4.1 and 7.1.4.2 of the NIS as summarised below:

- Project specific measures in the CEMP following best practice construction measures to protect water quality,
- During construction the pouring of materials, refuelling, storage of fuel and chemicals will be controlled,
- Appropriate dewatering system and groundwater management system specific to prevent run- off or sediment run- off,
- The use of SuDS during operation of the proposed development.
- Qualitative and quantitative monitoring to ensure the water is of enough quality to discharge to the river.

In terms of **in combination effects**, Section 8 of the NIS provides an assessment of other plans or projects which have the potential to act in combination with the proposed development to adversely affect the integrity of Rockabill to Dalkey Island SAC or another European Site. It is stated that there is potential for any landuse activities to impact the water quality of Killiney Bay although there are specific polices in the development plan to protect biodiversity and those European Sites. No specific plan or projects are listed.

In **conclusion** following an examination, analysis and evaluation of the potential impacts of the proposed development on the conservation objectives of Rockabill to Dalkey Island SAC the NIS concludes that considering the best scientific evidence

the proposed development does not pose a risk of adversely affecting the integrity of the Rockabill to Dalkey Island SAC. I note those mitigation measures have been specifically tailored to prevent any impact on the surface or ground water quality, which I have assessed and consider reasonable. Having regard to the information in the NIS and considering the mitigation measures, I can conclude that the proposed development would not adversely affect the integrity of the Rockabill to Dalkey Island SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

### 13.15. **Conclusion of Appropriate Assessment**

The development of 193 BTR apartments on a site south of Abingdon, Shanaganagh Road, Shankill has been assessed in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the following European sites;

- Dalkey Islands SPA [004172]
- Rockabill to Dalkey Island SAC [003000]

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of those sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Dalkey Island SPA (004172) the Rockabill to Dalkey Island SAC (003000) or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## 14.0 **Recommended Board Order**

**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 14<sup>th</sup> of October 2020 by McGill Planning on behalf of ES Shan, Marine House, Clanwilliam Court, Dublin 2

### **Proposed Development:**

- The development will comprise a Build to Rent (BTR) residential scheme comprising 193 no. apartments within 4 no. blocks ranging in height from 5 to 8 storeys.
- The apartment mix will comprise: 193 no. units as follows: 12 no. studios; 110 no. 1 bed; 1 no. 2 bed (3 persons); 70 no. 2 bed (4 persons).
- All apartments will be provided with associated private balconies/terraces facing north/ south/ east/ west. The development will include a pavilion, open spaces, tree houses, meeting rooms and flexible workspace, BBQ facilities, resident's gym, and residential amenities areas.
- The development will include for a total of 120 no. car parking spaces including accessible spaces at undercroft and surface level, 372 no. bicycle parking spaces and 6 no. motorcycle spaces.
- Vehicular connection will be via Clifton Park.
- Additional pedestrian/cyclist accesses to the south (leading to Shankill Dart station to the south) is also proposed.
- The development also includes for all associated site development works and services provisions including bin storage areas, substations/switch rooms, plant rooms, boundary treatments and landscaping.

### **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**

Having regard to the following:

- (a) the location of the site on lands with a zoning objective for residential development in the Dun Laoghaire Rathdown County Development Plan 2016-2022,
- (b) the nature, scale and design of the proposed development and those issues relating to the contravention of Policy UD6 and Appendix 9 (Building Height Strategy) , of Dun Laoghaire Rathdown County Development Plan 2016-2022,
- (c) the National Planning Framework, Project 2040,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Eastern & Midland Regional Assembly RSES 2019-2031;
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2019
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (i) the Urban Development and Building Height Guidelines for Planning Authorities, 2018
- (j) Architectural Heritage Protection, Guidelines for Planning Authorities, 2011
- (k) the nature, scale and design of the proposed development,
- (l) the availability in the area of a wide range of social, community and transport infrastructure,
- (m) the pattern of existing and permitted development in the area,
- (n) the report of the Chief Executive of Dun Laoghaire Rathdown County Council;
- (o) the submissions and observations received, and
- (p) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenity 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.

### **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the;

- Dalkey Island SPA (site code 004172)
- Rockabill to Dalkey Island SAC (site code 003000)

are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the above sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following;

- Site Specific Conservation Objectives for these European Sites,
- Current conservation status, threats and pressures of the qualifying interest features and the potential impact of the habitats of the Roseate Tern *Sterna dougallii*, Common Tern *Sterna hirundo*, Arctic Tern *Sterna paradisaea* and the Reefs and Harbour porpoise *Phocoena phocoena*
- likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- view of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media,
- submissions from observers,

- mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites.

The Board identified that the main likely impact arising from the proposed development on the Dalkey Island Special Protection Area (SPA) would be on the water quality of the coastal habitats of Killiney Bay by way of uncontrolled surface water and ground water contamination and the spread of invasive species . Having regard to the mitigation measures to prevent any impact on the Shanganagh River c.140m north of the site, the Board concluded that the proposed development would not adversely affect any of the species within the relevant European sites.

The Board identified that the main likely impact arising from the proposed development on the Rockabill to Dalkey Island Special Areas of Conservation (site code 003000) would be on the water quality of the coastal habitats of Killiney Bay by way of uncontrolled surface water and ground water contamination. Having regard to the mitigation measures to prevent any impact on the Shanganagh River c.140m north of the site, the Board concluded that the proposed development would not adversely affect any of the habitats or species within the relevant European sites.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended).

Having regard to:

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(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 Dun Laoghaire-Rathdown Development Plan 2016-2022,
- c) The existing use on the site and pattern of development in surrounding area;
- 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),
- f) 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),
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- h) 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 Outline Construction & Demolition Waste Management Plan.

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 that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of traffic hazard, or have a negative impact on the character or setting of the protected structure , Abingdon House.

The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current Dun Laoghaire Rathdown County Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the Policy UD6 and Appendix 9, Building Height Strategy of the Plan with respect to building height limits. The Board considers that, having regard to the provisions of section 37(2)(b) (i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

(a) The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

(b) It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 35) and the Urban Development and Building Height Guidelines for Planning Authorities, in particular SPPR3.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.



## 15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity

2. Mitigation and monitoring measures outlined in the plans and particulars, including Section 6.0 of the Ecological Impact Assessment and Section 7.0 of the Natura Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows:

- a) The post room in Block A shall be redesigned to include a concierge facility.

- b) The proposed Alternative Access Proposal shown in Section 6.3 of the Architects Design Statement shall not be permitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority/An Bord

Pleanála prior to commencement of development.

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

4. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority the proposed uses and hours of operation of the pavilion building.

**Reason:** To protect the residential amenities of future occupants.

5. The proposed cycle access into the site and the basement area shall be designed so as to comply with all necessary standards in the NTA National Cycle Manual.

Details of the layout, marking demarcation and security provisions for the cycle spaces and cycle infrastructure shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

6. The proposed car parking layout shall be modified so that at least 6 no. spaces are provided for persons with impaired mobility. These spaces shall be located as close as possible to the building entrance. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document “Building for Everyone - a Universal Design Approach” (National Disability Authority). Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

7. The development hereby permitted shall be for 193 residential units, or otherwise reduced to comply with conditions of this permission, which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

8. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

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

9. Prior to the commencement of development, the owner shall submit to and agreed in writing with the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be let or sold separately for that period.

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

10. Prior to expiration of the 15-year period referred to in the covenant, the owner shall be submitted to and agreed in writing with the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

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

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

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

12. a) The areas of public open space shown on the lodged plans shall be reserved for such use and shall soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority.

b) Tree removal shall be restricted to those indicated for removal on the Tree Protection Plan DWG Ref 20.04.CD.04A, unless otherwise agreed in written with the planning authority.

c) The design of the children's play areas shall be submitted for the written approval of the PA and designed in accordance with the relevant standards,

d) the location and condition of the boundary wall along the east shall be confirmed. In the absence of a satisfactory boundary the applicant shall submit proposals for a 2m high block wall for the written agreement of the

planning authority. The existing mature trees and hedging, detailed for retention, shall not be adversely affected by any works to the boundary.

This work shall be completed before any of the units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

**Reason:** In order to protect the ecological interest of the site and to ensure the satisfactory development of the public open space areas, and their continued use for this purpose

13.(A) A bat conservation plan shall be submitted for the written agreement of the planning authority and shall incorporate Bat roosts into the site. The recommendation of the bat conservation plan shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority .

B) The bat mitigation measures within the Ecological Impact Assessment prepared by Scott Cawley shall be adhered to at all times during demolition and construction works.

**Reason:** To ensure the protection of the natural heritage on the site.

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

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

15.Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the

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

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

16. Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Streets Interim Advice Note – Covid Pandemic Response (May 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

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

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

18. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management

19. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

20. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including:

- Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- Location of areas for construction site offices and staff facilities;
- Details of site security fencing and hoardings;
- Details of on-site car parking facilities for site workers during the course of construction;
- Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- Measures to obviate queuing of construction traffic on the adjoining road network;
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- Provision of parking for existing properties at [specify locations] during the construction period;
- Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.



**Reason:** In the interest of amenities, public health and safety.

21. 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 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 of any remains that may exist within the site.

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

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

23. 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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

24. 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

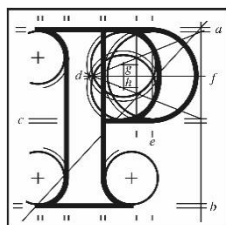
Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Karen Hamilton  
Senior Planning Inspector

21<sup>st</sup> of January 2021

## Appendix A: EIA Screening Determination Form



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		ABP-30418-20
<b>Development Summary</b>		Construction of 193 no. Build To Rent/ shared accommodation 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 was submitted with the application
<b>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?</b>	<b>No</b>	

<p><b>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</b></p>	<p><b>Yes</b></p>	<p>SEA undertaken in respect of the Dun Laoghaire Rathdown development plan 2016-2022.</p>
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<p><b>B. EXAMINATION</b></p>	<p><b>Yes/ No/ Uncertain</b></p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>             (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)  <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b></p>	<p><b>Is this likely to result in significant effects on the environment?</b>  <b>Yes/ No/ Uncertain</b></p>
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>			
<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 the construction of residential units on lands zoned residential in keeping with the 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 apartments 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 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 193 no apartments which is considered commensurate with the development of a Dublin City.	<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 minor 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>	No conservation sites located on the site. An AA Screening Assessment and 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 features of landscape, historic, archaeological or cultural importance could be affected. A protected structure is located outside the site and it has been established that there will be no significant adverse impact on the character and setting.</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>There are no connections to watercourses in the area. 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 10(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 Dun Laoghaire-Rathdown 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 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 Outline Construction & Demolition Waste Management Plan.

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: \_\_\_\_\_ Karen Hamilton

Date: \_\_\_\_\_ 05<sup>th</sup> of January 2021