

An
Bord
Pleanála

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

Inspector's Report ABP-308432-20

Strategic Housing Development

Demolition of all existing structures on site, construction of 122 no. apartments and all other associated site works.

Location

Lands formerly known as Richmond Cheshire Home, Richmond Park, Monkstown, Co. Dublin.
(www.monkstownshd.ie)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Randalswood Construction Ltd.

Prescribed Bodies

1. Irish Water
2. Department of Culture, Heritage and the Gaeltacht
3. Transport Infrastructure Ireland

4. National Transport Authority
5. An Taisce-the National Trust for Ireland
6. Heritage Council
7. Failte Ireland
8. An Comhairle Ealaíonn
9. Dun Laoghaire Rathdown County Childcare Committee

Observers

1. Monkstown Road Residents Association c/o Douglas Barry
2. Belgrave Square Resident Association c/o Eunan Maguire
3. Palma Management Company Ltd (Richmond Green)
4. Douglas Barry (Oral Hearing request)
5. Catherine & Richard Tempny (Oral Hearing request)
6. Bob & Bairbre Stewart (Oral Hearing request)
7. Roderick Ryan
8. Eoin Dowling.
9. Liam & Tove O'Flanagan
10. Heather McDonald
11. Claire Kennedy
12. James C Barry
13. Alison Conroy & family
14. Thomas and Emer Brennan
15. Justin McCabe
16. Michael & Ruth Dwan
17. Marian O'Shea
18. Hugon Simm & Catherine Hayes
19. Tim Kennedy
20. John & Denise McEvoy (includes signatures of John Lawler, John Palmer, E.M)

Roche, Carol Kelly, Nesson
Kelly, Linda Kelly, Brain Kelly,
Sheena Bowers, Ann Bowers,
Catherine Walsh, Patrick
Heneghan and Barry Finnegan)

21. Christopher Craig
22. Michael Begley
23. Lucy & David Tyndall
24. Bernard & Rosaleen Duggan
25. Tony & Carmel Sheppard
26. Professor WT & Adrienne
Coffey
27. Catherine Walsh
28. Christine Nelson
29. Lawrence Hickey
30. Aisling Collins
31. Noreen Collins

Prescribed Bodies:

32. Inland Fisheries Ireland (IFI)
33. Irish Water (IW)
34. Transport Infrastructure Ireland
(TII)
35. Department of Tourism, Culture,
Arts, Gaeltacht, Sport and
Media (Development
Applications Unit (DAU))

Date of Site Inspection

14th January 2021

Inspector

Daire McDevitt

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1.0 Introduction

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

2.0 Site Location and Description

The subject site, which has a stated area of 0.95 hectares, is located off Carrickbrennan Road in Monkstown, Co. Dublin. It comprises the grounds of a former nursing home premises (Richmond Cheshire Home) and 5 no. associated studio apartments which are currently in use by the Peter McVerry Trust. The footprint of the existing structures occupy most of the site with extensive hardcore/artificial surfaced areas (access, parking and play area) with a marginal strip of planted/green area along the western boundary with Dalguise and a riparian corridor and extensively planted area along the northern boundary with the Stradbrook Stream (also referred to as the Monkstown Stream). There are detached houses immediately to the north of the stream. The mature trees, Monterey Cypress and Deodar Cedars associated with the Heronry, are located along the access road (cul-de-sac that serves a number of other properties). The remainder of the mature trees on site are along the southern boundary which is defined by a low wall and a heavily planted embankment which runs to the rear of the Richmond Park two-storey dwellings, a pedestrian lane that links the cul-de-sac with Richmond Park runs parallel to the site boundary.

The site, with a stated area of 0.95 hectares, is predominantly rectangular in shape, the boundaries include the access road as work is proposed to this which lead to the description of a L-shaped site in previous applications. At the time of inspection, I noted extensive kerbside parking along this road. The site itself is predominately flat, however the ground levels in the immediate area vary extensively from the south (Richmond Park) to the north, the Stradbrook Stream and Carrickbrennan Road and Monkstown Roads.

The site is accessed via a cul-de-sac which serves the site, two detached houses at Kenilworth Way, five terraced two-storey houses at New Alma Place and a small

housing estate, Richmond Green. There is a footpath and mature trees along parts of the access road.

3.0 Proposed Strategic Housing Development

The proposed development comprises of:

The demolition of all existing structures on site (Nursing Home and 5 no. studio apartments) and the construction of a residential development comprising of 122 no. apartments (1 no. studio, 57 no. 1 bed, 58 no 2 bed and 6 no. 3 beds) within 2 no. blocks (ranging in height from 4-7 storeys over basement), all of which will be provided as follows:

Block A: containing a total of 58 no., apartments (31 no. 1 bed and 27 no. 2 bed in a building 4-5 storeys over basement in height and all apartments provided with private balconies/terraces.

Block B containing a total of 64 no. apartments comprising 1 no. studio, 26 no. 1 bed, 31 no. 2 bed and 6 no. 3 bed in a building 5-7 storeys over basement in height and all apartments provided with private balconies/terraces.

The development also includes the construction of a basement providing 122 no. car parking spaces, 246 no. bicycle spaces, 5 no. motorcycle spaces and a plant room and bin stores. The proposal also incorporates 24 no. bicycle spaces at surface level, 1 no ESB sub-station, public lighting, boundary treatments, landscaping, including play equipment, upgrades to public realm, including works to existing road and footpath, future pedestrian access indicated to the boundary with Dalguise lands subject to agreement and all associated engineering and site works necessary to facilitate the development.

The application contains a Statement setting out how the proposal will be consistent with the objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

It also contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of land.

A Natura Impact Statement (NIS) has also been prepared and submitted.

A list of documentation that accompanies the application is set out in Appendix 1.

4.0 Planning History

Site:

PA Reg Ref D19A/0378 (ABP 305843-19) permission granted for demolition of nursing home and construction of 72 residential units in 4 no. 4 storey apartment blocks.

PA Reg Ref D17A/0590 (ABP 301533-18) Permission granted for demolition of existing nursing home and construction of 56 residential units in 2 no. 4 storey apartment blocks.

PA Reg Ref. S16A/0678 (ABPPL.06D.247679) refers to a decision to refuse permission for the demolition of the existing nursing home and construction of 70 residential units on the grounds density, scale and layout and the loss of substantial screening would seriously injure the residential amenities of adjoining properties and depreciate their value. And the provision of a substandard qualitative functional open space would result in a substandard form of accommodation for future residents.

Adjoining SHD Development:

306949-20 SHD application permission granted by An Bord Pleanála in August 2020 for the demolition of existing dwelling and other structures, conversion of Dalguise House to 2 no. houses, construction of 298 no. residential units (20 no. houses, 276 no. apartments), Conversion of Dalguise House to 2 no. residential units and a crèche, conversion of coach house to residential unit and use of gate lodge as a residential unit and second gate lodge as concierge/managers office, relocation of glasshouse and vinery and removal of a second glass house, removal of outbuildings, provision of a bridge over the Stradbrook stream and all associated site works at Dalguise House to the southwest and west of the current site. This is the subject of Judicial Review proceedings at present.

5.0 Section 5 Pre Application Consultation

A Section 5 pre application consultation (ABP Ref. 306773) took place via Microsoft Teams. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the Planning Authority, An Bord Pleanála was of the opinion that the documentation submitted constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

The prospective application was advised that the following specific information should be submitted with any application for permission:

1. A Report, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area and which illustrates the topography of the area. Details should include the relationship between the proposed blocks and any future development on adjacent lands. The applicant should include details which include rationale/justification for the heights/setbacks proposed. Details should also include interactions with the Protected Structure, Dalguise House, and associated lands; boundary treatments and public realm.

2. A Daylight/Sunlight Analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. A month-by-month assessment of average daylight hours within the public open space should be provided within the Daylight and Sunlight Analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation area for the development should be submitted.
3. A Housing Quality Assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit
4. A detailed Landscaping Plan for the site which clearly differentiates between areas of public, communal and private open space and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Pedestrian permeability through the site should be outlined. Details of the interface between private and communal areas should also be detailed. Additional cross sections, CGIs and visualisations should be included in this regard.
5. Justification for lack of childcare facility which includes Childcare Demand Analysis and likely demand for childcare places resulting from the proposed development
6. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in section 1.3(ii) of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.

7. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the Planning Authority as detailed in section 1.3(i) of their Opinion.
8. Ecological Impact Assessment, which includes for, inter alia, an ecological survey which indicates the full extent of tree retention and removal, together with details of proposed tree protection measures during construction and which addresses matters raising within section 1.3(iv) of Chief Executive Opinion.
9. Waste management details
10. A life Cycle Report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). This report should specifically address proposed materials, finishes and detailing which seek to create a distinctive character for the development, avoiding blank facades, dead frontage and render finishes. The documents should also have regard to the long term management and maintenance of the proposed development.
11. Site Specific Construction and Demolition Management Plan

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion (ABP 305864-19) was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the specific items raised in the opinion.

6.0 Relevant Planning Policy

6.1 National

National Planning Framework

Chapter 4 of the Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being

The directly relevant National Policy Objectives as contained within the NPF include:

National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 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.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building 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.

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated ‘Urban Design Manual Best Practice Guidelines’) (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2020).
- Urban Development and Building Height Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS) (2013) (Including Interim Advice note Covid-19 May 2020)
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities (including the associated Technical Appendices) (2009).
- Childcare Facilities – Guidelines for Planning Authorities (2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

6.2 Regional

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3rd of May 2019.

Monkstown is located within the area covered by MASP which seeks to focus development on large scale strategic sites and on the redevelopment of underutilised lands, based on key transport corridors that will deliver significant development in an integrated and sustainable manner.

The site is located within a 'strategic development corridor' of Dublin as it is within North-South Corridor centred around the DART facility.

6.3 Local

Dun Laoghaire-Rathdown County Development Plan 2016-2022

- The site is located on lands zoned as Residential, where Objective A states *"To protect and-or improve residential amenity"*.
- A small portion of the site, towards its northern end of the access road, is located within the Monkstown Architectural Conservation Area.
- An sliver of the site, along the western side of the access cu-de-sac, is zoned under land use objective 'F' *'To preserve and provide for open space with ancillary active recreational amenities'*
- There is an Objective to 'preserve trees and woodlands' on lands to the north and northwest of the subject site.
- The Flooding Maps, show a Flood Hotspot Symbol for the eastern portion of the site/access road.

Sustainable Communities

An advisory note is included at the beginning of the Development Plan to state that apartment standards have been superseded by the implementation of the national apartment standards and those SPPRs contained within.

Chapter 2 outlines that the Council is required to deliver c.30,800 units over the period 2014 – 2022. It is stated that the Council in seeking to secure this objective will focus on three strands, namely: increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities. There are a number of policies and objectives within the operative County Development Plan in relation to residential development; urban design principles, transport, building heights and other such matters. Housing policies (section 2.1.3) include:

Policy RES3: Residential Density - promote higher residential densities.

Higher densities at a minimum of 50 units per hectare will be encouraged where a site is located within a 1km pedestrian catchment of a rail station, a priority QBC and/or 500 metres of a Bus Priority Route, and/or 1 km of a town or District Centre.

In some cases it is noted that densities may be constrained by ACA, cACA designations, Protected Structures and other heritage designations.

Policy RES4: Existing Housing Stock and Densification, which encourages the densification of existing housing stock to retain population levels,

Policy RES7: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.

Chapter 2.2 - Sustainable Travel and Transportation.

Policy UD1: Urban Design Principles - all development is of high quality design that assists in promoting a 'sense of place'.

Policy UD3 Public Realm Design

Policy UD6: Building Height Strategy- Compliance with Appendix 9 (building Height Strategy)

Section 5.2.5.2 Flood Risk Management

Chapter 6 Built Heritage

Chapter 8 contains the relevant Development Management standards/thresholds.

Section 8.2.3.3 sets out the requirement for unit mix in apartment developments in the County.

Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1 bed units and a minimum of 20% of units over 80sq.m. Schemes with less than 30 apartments will be assessed on a case by case basis according to their unit numbers, configuration and location but should generally accord to a percentage ratio of 40/40/20% mix for 1/2/3 bedroom units respectively. Some one-bed or two-bed units could be provided on the ground floor to potentially cater for elderly people 'downsizing' from more traditional housing types and should, where possible, have direct access onto public open spaces.

CSO results from the 2011 Census indicate that 55% of all private households are composed of one or two persons in the County, compared with 53% Nationally. These 2011 results also indicate that 62% of private households in the County were residing in detached or semi-detached houses with 19.4% in a flat or apartment.

Appendix 9 Building Height Strategy:

Section 2.1.1 densities are referred when assessing the level of development permissible on site as this is expressed in terms of plot ratio, site coverage, number of units, footprint and compactness of the development amongst other criteria.

Chapter 3

Proposals for infill sites should focus on whether the proposal would result in a desirable alteration to the prevailing character of the area and/or can be satisfactorily absorbed into the local context.

Chapter 4

Refers to the accommodation of 3 to 4 storey apartment buildings adjacent to important public transport nodes, subject to the considerations of downward and upward modifiers.

Section 4.8.1 Upward Modifiers

Of particular relevance are (e) and (f):

- (e) The site should be within 500m of a DART station.
- (f) The site should have an area of 0.5 hectares or higher and height should be sited away from residential boundaries.

Section 4.8.2 Downward Modifiers

Of particular relevance are no. 1 and 5 (i)

- (1) Where a proposal would adversely affect residential living conditions through overlooking, overshadowing or excessive bulk and scale.
- (5)(i) Where a site is located within the designated Coastal Fringe zone (500m following the coastline).

Appendix 13 SSFRA

Map: Land Use Zoning, Protected Structures and ACAs

Flood Map 3: Flood Zone Extents

Applicant's Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 Guidelines and the County Development Plan. This has been noted and examined.

Applicant's Material Contravention Statement

The applicant has submitted A Statement of Material Contravention. The contents of that section can be summarised as follows:

The statement sets out the justification for the proposed residential development, in particular the proposed height, which ranges from 4 to 7 storeys which materially contravenes the Dun Laoghaire Rathdown County Development Plan 2016-2022.

The Applicant has respectfully requested that An Bord Pleanála have regard to the following justification for a material contravention of Policy UD6 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in terms of height on the basis that there are conflicting objectives within the said Development Plan and that the policies and objectives stated in the Section 28 Government Guidelines,

particularly '*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)*', '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*' (2018), the '*Urban Development and Building Heights, Guidelines for Planning Authorities*', and the '*Project Ireland: National Planning Framework 2040*' enable increased building height and residential densities on sites adjacent to quality transport routes and within existing urban areas. Therefore, the proposed development should be considered acceptable even if the proposed development materially contravenes the Development Plan relating to the area.

The applicant has outlined that the proposed development at Monkstown is situated at a strategic location within the village in close proximity of the Salthill & Monkstown DART Station and public transport and is capable of supporting taller buildings and increased density. The lands are well served by public transport, bus and rail, and as such are suitable for increased height and density.

It is argued that this SHD planning application contains sufficient reports, documentation, plans and justification to support the proposed development and outlines how the development is in accordance with the relevant planning policies and guidelines pertaining to the area, which include architectural plans and elevations, Architectural Urban Design Statement, DMURS Statement, Traffic Assessment, NIS Report, Planning reports, Engineering reports and Daylight and Shadow Analysis.

It is therefore submitted that this Strategic Housing Development is in accordance with SPPR1 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities.

It is National Policy to promote and encourage increased densities in excess of 50 units per hectare on zoned lands adjacent to public transport corridors. In order to achieve this density in a sustainable manner, the requirement for increased building heights must be explored in appropriate locations to prevent urban sprawl and thus promote a compact urban form. In this case, the proposed density of c.128 units per hectare can only be achieved through the provision of increased building heights, with the proposal ranging from 4 to 7 storeys in height. It is argued that for the

proposed development to comply with increased densities in close proximity to public transport nodes, an increased building height must also be applied. As such, it is considered that the proposed building height of 22.10m, ranging from 4 to 7 storeys in height and a proposed density of c.128 units per hectare is appropriate for the subject site and in compliance with National Policy.

In light of the above, it is argued that restricting the height of development through specific local objectives at such a well-served location under the Dún Laoghaire-Rathdown County Development Plan 2016-2022 is a direct contravention of National Policy which promotes increased densities at well served urban sites and discourages general blanket height standards in certain urban areas, such as the subject site.

It is further argued that a planning precedent for increased heights and density has been established in the area. ABP granted permission in August 2020 (ABP 306949-20) to Lulani Dalguise Ltd for a development of 298 residential units, a mix of houses and apartments, with blocks ranging in height from 5 to 9 storeys. Reference also to ABP 303804-19 t Lands at St.Teresa's House and St. Teresa's Lodge, Temple Hill, Monkstown for 294 units (height ranging from 1 to 8 storeys) and to ABP 304249-19 at the Old School House, Eblana Avenue, Dun Laoghaire for a BTR Shared Living accommodation (208 single occupancy room and height ranging from part 4 to part 6 storeys).

In light of the foregoing, it is respectfully requested that An Bord Pleanála have regard to the justification set out within the statement and permit the proposed height contravention of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, having regard to section 37(2)(b)(i) and (iii) of the Planning and Development Act, 2000 (as amended), specifically the conflicting objectives within Dún Laoghaire-Rathdown County Development Plan 2016-2022 insofar as the proposed development is concerned, the policies and objectives set out within the Section 28 Guidelines and noting the national importance of delivering housing given the current housing crisis.

7.0 Observer Submissions

7.1 The Board received 31 Observer submissions. Most of the submissions have been made by local residents.

The following Residents Associations/Management Companies/Groups made submissions: Monkstown Road Residents Association, Belgrave Square Residents Association and Palma Management Company Ltd

A number of the submissions refer to submissions prepared by the above named Associations and Tony & Carmel Sheppard.

There is a significant degree of overlap and reiteration of issues raised throughout the submissions. In summary the topics raised are as follows (Appendix 2 includes a more detailed summary):

7.2 Policy:

- Material Contravention of the DLR Building Height Strategy.
- Material Contravention of land use zoning objective, density, housing mix, Demolition works
- Contrary to national and local policies and objectives.
- The existing use by the Peter Mc Verry Trust would be more appropriate in attacking the homelessness crisis.

7.3 Design, Height and Layout

- Excessive height, density and scale of development.
- No regard for existing built form within the immediate area.
- The design, scale and height is out of place in the context of the existing building environment and would have a detrimental impact in the amenities of adjoining properties and the village as a whole.
- Massing and height is inappropriate for the Coastal buffer zone and Monkstown ACA.

- A development, smaller in scale and lower in height would be more suitable for this site.

7.4 Legal

- Inclusion of third party lands within the application site boundaries without consent.
- The access road is not a public road. Documentation include from the DLRCC Transportation Department stating it is in charge by the Council.

7.5 Housing Mix

- Lack of family units.
- No demand for small apartments.
- Apartments attract a transient population which does not benefit the wider community.
- Query if for units will be sale or the rental market.

7.6 Residential Amenity.

- Significant loss of residential amenity arising from overlooking, overshadowing of adjoining properties and overbearing impact when viewed from adjoining properties and those in the vicinity.
- Height, setback from boundaries, location of balconies/windows, removal of trees will all result in a serious negative impact on the visual and residential amenities of existing residential properties in the immediate vicinity.
- Noise impacts, during construction and when built and occupied.
- Concerns raised relating to the residential amenities of future occupiers of the proposed development.
- Playground, ramps access to basement, substations, etc should be relocated to protect the residential amenities of existing residential properties.

7.7 Enabling works and Retaining Wall:

- Excessive excavation works

- Impact on structural integrity of houses at Richmond Park and potential land slip
- Lack of site investigation and appropriate documentation regarding groundworks, enabling works and construction methods, in particular relating to the retaining wall.
- The feasibility of constructing the wall is questioned.

7.8 Architectural Heritage.

- Height, design and scale will have a negative impact on Monkstown ACA.
- Part of the site is in Monkstown ACA and this has been completely disregarded in terms of design, layout, impact etc.
- The demolition of the 'Cheshire Home' has not been justified.

7.9 Appropriate Assessment

- The proposed development insufficiently addresses the impact on the surrounding Natura 2000 sites.
- The negative impact on Dublin Bay Natura 2000 site has not been addressed. The herons from the Natura 2000 site nest and roost in Heronry on site. All trees used by the herons should be preserved and measures taken to ensure no disturbance to the herons during the construction phase.
- Cumulative impact with the adjoining development of Dalguise House has not been considered.
- Appropriate Assessment Screening queried and lack of mitigation measures to address potential run off from the development into the Stradbrook Stream.
- Impact on Natura 2000 site. Grey Herons from South Dublin Bay SAC use the site for roosting. Impact on herons has been overlooked in the NIS.

7.10 Nature Conservation.

- A full assessment full ecological assessment has not been carried out.
- Loss of heronry as well as impacts on badger, bats, foxes, hedgehogs and numerous wild birds.

- Not enough consideration has been given to the potential ecological impact of the proposed development to an important heronry.
- Cumulative impact with the development of Dalguise House has not been considered.
- The integrity and robustness of the documentation submitted is queried.
- Query the findings and conclusions of the EIA Screening report.
- Concern that the level of development on the existing sewerage infrastructure could result in the return of algal blooms at Dublin Bay.
- The removal c.15,500m³. tonnes of soil is a huge excavation of soil from the area would have a significant impact.
- Irreversible loss of trees and habitats.
- Excessive loss of trees.
- The scale of the excavation required for the construction of the basement carpark will result in the obliteration of the entire wildlife in and around the site despite the so called mitigation in place.
- Unacceptable risk to the integrity of the Stradbroke stream which is a true wild arterial route for mammals.
- The Ecological Impact Statement recognises the embankment to the south of the site is an 'ecological corridor for birds, invertebrates and foraging bats' which 'will be lost if the developemtn is to proceed'. There is no discussion about the fact that this habitat together with the trees and woodland on the adjacent Dalguise site probably constitutes the largest Heronry and Egret breeding site on the south coast of Dublin Bay.
- Query the completeness of the Arboricultural report.
- Independent and comprehensive surveys should be carried out by An Bord Pleanála to assess the potential impacts.
- The EPA have flagged the inadequacies to Irish Water, the media and the Irish Public. The blockages and discharges are in breach of Ireland's obligations under EU Directives.
- Bird & Bat survey results queried and considered incomplete.

- The combined impact with the Dalguise development will eradicate an important Heronry through the unnecessary removal of extensive number of trees.
- Allowing a similar development adjacent to Dalguise simply amplifies and extends all issues and problems which will be manifested on that site.
- The impacts of the proposed development are not acceptable on the grounds of environment and ecology immediate impact on Monkstown village, its residents, businesses and owners and visitors and specifically with that the outlook for wastewater and sewerage and the outlook for traffic.
- Uncertainty regarding mitigation measures for the Heronry.
- A railing is proposed directly beside the stream as there is a steep incline. This results in a substandard approach to open space design and undermines the integrating of natural biodiversity and ecology within the planned layout.
- An EIA should be provided give the proposed developments and reduction in gardens from both the current site and the adjoining Dalguise one. The screening report does not take into account the Dalguise site.
- Noise and excessive artificial light will impact on the Heron colony.
- The proposed flood relief works at the culvert over the steam are very close to the Monterey Cypress and likely to damage the root system with consequent negative effects on the tree and heronry.
- Reference to a wildlife survey conducted in Richmond Park in 2014 and 2015 where 26 species of bird were recorded.
- Foxes, Bats and hedgehogs have been observed in the vicinity.
- The Construction Management Plan is based on inadequate information

7.11 Flooding.

- There is a serious concern about the drainage and ground water levels within the area. The Stradbrook Stream forms a boundary to site and is identified as a 'Hot spot' (flood risk) on the DLR CDP Flood Zone Maps (map 3).
- Concern that development on the site will redirect all ground water to adjoining properties
- History of flooding in the area. Flooding occurred in Monkstown in November 2020.

- No Site Specific Flood Risk Assessment submitted.

7.12 Services

- Existing infrastructure does not have capacity to accommodate loading from an additional 122 units.
- No bathing notices due to capacity issues and overflows.
- No further developemtn should be permitted until infrastructure is upgraded to safely accommodate additional increase in demand.
- Since the West Pier pumping station serving the area has been upgraded there have been several incidences of sewerage backing up and flooding.

7.13 Traffic and Parking

- The scale of development will exacerbate the existing traffic congestion.
- Not enough carparking is provided and will result in overflow to adjoining residential estates.
- Construction traffic will cause signification disruption.
- The Traffic information and assessments submitted are flawed.
- No statement of compliance with DMURS has been submitted.
- Pedestrian and vehicle conflict along the access road.
- Access road is a public road.

7.14 Oral Hearing request

7.15 Other

- Validity of Public Notice and MC Statement...
- Covid (Design of development and public participation in the process.
- SHD process
- Lack of childcare and schools at capacity

8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun-Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 10th December 2020. The report may be summarised as follows:

8.2 Information Submitted by the Planning Authority

The submission from the Chief Executive includes details in relation site location and description, proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

8.3 Summary of views Elected Representatives (Dun Laoghaire HEPI Area Committee meeting 16th November 2020)

Height & Design:

- Heights and density too high and should not be higher than the adjoining Dalguise site.
- 7 storeys is too high and out of scale and inappropriate at this location amongst 2 storey buildings in a village.
- Negative impact on the village character of Monkstown.
- The County is being overrun by 1 and 2 bed apartments.
- Should not be a gated community.
- Not enough green space and open space poor for children.
- Building regulations not being adhered too as the apartments are tiny.
- Some apartment can be accommodated on this site if well designed.
- Internal designed has not been focused on at the meeting because of the negative view of the scheme. The absence of analysis should not be taken that the internal layout is acceptable.
- Fundamentally opposed to boxing people into small apartments.

Density:

- Over densification of the site.

SHD Process:

- SHDs are a failed policy and not the solution to the housing crisis. It was stated that 40.000 units granted and only 700 built.

- SHD is a developer's charter.
- SHD process is a recipe for disaster and poor planning.
- SHD process is appalling and needs to be rescinded.

Traffic & Transportation:

- Inadequacies in carparking and visitor parking.
- Too many car spaces in the scheme as there is a good cycle and dart services in the area, which should discourage cars and promote soft modes of travel.
- The vehicular access to the site is limited.
- Bin trucks should have access to the underground car park and the height of the basement access should accommodate this.
- Charging points should be available for e-bikes and e-cars.

Other:

- Permission should be refused.
- Inadequate childcare provisions.
- Part V apartments should be accessible for persons with disabilities.
- Bad housing mix in the scheme.

8.4 Planning Assessment

A detailed assessment is included in the Chief Executive's Report. A summary of points of note is set out below:

- The subject site is a brownfield, suburban site to which the 'A' land use zoning predominantly applies and on which residential development is permitted in principle.
- In terms of density (proposed 128uph). It is noted that the scheme is located closely adjacent to Monkstown Village and its local bus stops. The size of the site (c.0.95ha) and its proximity the village of Monkstown, Blackrock and Dun Laoghaire does make a case for higher density development at this location.
- However the Planning Authority have concerns regarding the overall scale and massing of the proposed development which fails to have regard to its setting and surrounding context. In particular the Planning Authority is concerned about the layout and delivery of quality amenity to residents and the impact on surrounding residential amenities from a development of this scale.

- In addition concerns remain in relation to the sensitivities of the riparian habitat along the stream, and the height and bulk of blocks individually, and particularly in combination with each other, and the proposed retaining walls to the rear, the stream boundary to the front, and the exist access road and (closely located) tree lined boundaries/verge.

Unit Mix.

- Reference to RES7 and Section 8.2.3.3 which sets out for apartment developments that no more than 20% 1 bed units and a minimum of 20% units over 80sq.m. Proposed mix however complies with SPPR1.

Building Height:

- The application includes a Justification for Material Contravention of policy UD6 and the Coastal Fringe Zone of the CDP Building Height Strategy.
- Having regard to the overall size of the site, its location, it is considered that additional height can be absorbed at this location subject to carefully considered architectural response. It is therefore considered that the site is suitable for accommodating additional building height which will assist in securing NPF objectives by providing urban growth at this location.
- At the scale of the city/town, the Planning Authority recognises that the site is well-served by public transport. However, it is also considered that this development proposal incorporating height of up to 7 storeys, does not successfully integrate into, or enhance the character of the area. There is a particular concern that at the scale of district/neighbourhood/street, that the proposed development does not respond to its overall natural and built environment, nor does it make a positive contribution overall to the neighbourhood and streetscape.
- The proposal does not accord with the DLR CDP Appendix 9, Building Height Strategy as downward modifiers 1) residential amenity and 5) coastal fringe may apply. In particular arising from overlooking of adjoining properties from Block B.
- The site is located within an visually sensitive area.

- The proposal constitutes an abrupt transition in height between the existing dwellings and the proposed scheme.
- The Planning Authority has serious concerns that the applicant has not sufficiently demonstrated that the proposal would not affect the character, the visual and resident amenities of the site and surroundings. It is considered that it has not been demonstrated that the proposal would successfully integrate or enhance the character and public realm of the area.
- While the PA welcomes the proposal to develop a residential scheme on 'A' zoned lands at this location, it is of the view that the proposal given its overall height, scale and massing, in this specific context, would appear visually overbearing when viewed from the surrounding dwellings and surrounding area, and would therefore not meet the DLR development management standards.

Permission should be refused, if the Board is minded to grant permission, it is recommended that an intermediate floor be omitted from Block B to reduce its overall height by one floor.

Overall it is considered that the proposed finishes are of a high standard and are appropriate.

Sunlight & Daylight Access:

Concerns regarding the quality of light serving the north facing apartments and overshadowing of adjoining properties due to height, bulk, scale and massing of the proposal.

Impact on adjoining properties:

It is considered (notwithstanding the significant ground level changes and the elevated positions of the houses to the rear (south and southeast), that the height and relatively close proximity of the blocks to the houses could have negative impacts, particularly with relation to Block B, and noting for eg c. 20m distance to the main rear elevation of the nearest Richmond Park dwelling to the rear (south).

Open Space & Public Realm:

- In quantitative terms the proposal exceeds the 10% CDP requirement.

- Concerns relating to the viability of the trees to be retained have been raised by Parks and Landscaping Section.
- Concerns regarding the visual and amenity qualities of the open spaces to the rear (south of the blocks) with regard to the proposed retaining wall. Pockets parks would also be the subject of considerable periods of shading.
- Good permeability proposed with adjoining lands.

Childcare:

- The proposed development has failed to provide the required childcare facilities and does not agree with the assessment of the applicant.

Conservation & Built Heritage:

No issue.

Archaeology:

- Standard conditions relating to archaeological monitoring should be attached as per the Dept. of Tourism, Culture, Arts, Gaeltacht, Sports and Media

Drainage:

- Refer to Drainage Planning Section report dated 12th November 2020. A number of technical issues identified that required further detail and recommended conditions attached to address these accordingly.

Transportation, Parking & Access:

- Refer to Transportation Planning Section report dated 17th November 2020.
- Reduced parking from the CDP standards to 1 space per unit is acceptable.
- A number of technical issues identified that required further detail and recommended conditions attached to address these accordingly.

EIA/AA:

- The Planning Authority on these matters defer to An Bord Pleanála as the Competent Authority.

Observations/Submissions:

- The Planning Authority report included a commentary on the third party observations and submissions.
- The Planning Authority report included a commentary on the Prescribed Bodies observations/submissions.

8.5 Summary of Inter-Departmental Reports

Drainage Planning (12th November 2020). No objection subject to conditions.

Transportation Planning (17th November 2020). No objection subject to conditions.

Parks and Landscape Services (19th November 2020). No objection subject to conditions.

Housing Department (4th November 2020). No objection subject to condition.

8.6 Statement in accordance with Section 8(3)(B)(II):

Having regard to the site's location on lands zoned 'A' 'To protect, provide for and/or improve residential amenities' the scale, height and massing of the proposed development, the provision of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, the National Planning Framework, The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (2019-2031) and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018 DoHPLG), it is considered that the proposed development fails to accord with the above policy guidance documents and the proper planning and sustainable development of the area and this Planning Authority recommended that permission be refused for the reason below:

The proposed development, by reason of its height, bulk, scale and massing, fails to have due regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. It will be seriously injurious to the residential amenities of properties located within its immediate vicinity by reasons of its height, bulk, scale and mass and by being visually overbearing. The proposed development is considered contrary to the policies and guidelines of 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.

In the event permission is granted a list of 26 no. recommended conditions are recommend.

9.0 Prescribed Bodies

9.1 Under the 'Opinion' that issued (ref. ABP 306773-20) the applicant was required to notify the following bodies of the making of the application:-Irish Water, Department of Culture, Heritage and the Gaeltacht, Transport Infrastructure Ireland, National Transport Authority, An Taisce-the National Trust for Ireland, Heritage Council, Failte Ireland, An Comhairle Ealaíonn and Dun Laoghaire Rathdown County Childcare Committee

The following is a summary of the reports from the above bodies that made a submission:

9.2 Development Applications Unit (DAU), Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (19th November 2020). This was in response to the referral to the Department of Culture, Heritage and the Gaeltacht.

A detailed report was received from the DAU in relation to Archaeology and Nature Conservation. The main points are summarised as follows:

Archaeology:

The Archaeological Impact Assessment submitted with the application is noted. There is potential for archaeological features/material to be present at the site. It is recommended that archaeological monitoring conditions to be attached.

Nature Conservation:

It is noted that the site has been the subject of a number of recent planning applications on the site. No submission was made by the Department on the D19A/0378 (ABP 305843-19) as this involved modifications to the parent application and did not alter the proposed developments impacts on flora and fauna, for which mitigation had already been provided by conditions attached to D17A/0590 (ABP 301533-18, which remain unaltered.

The principle conservation concerns in relation to these developments were their potential impacts on a large Monterey Cypress at the entrance to the development

site in which local observers reported 3-5 pairs of herons and a pair of egrets had nested during 2016 (Tree is designed T25 in the current application documentation). Subsequent observation suggested that a pair of herons may have nested in 2017 in a Deodar Cedar (Tree T23) a short distance down the approach avenue from the cypress and separated from it by another deodar. Under the D17A/0590 (ABP 301533-78 conditions recommended and attached to protect these tree from damage resulting from the movement of vehicles and machinery in and out of the site under them during construction, including the installation of 'goal posts' and reinforcement of the avenue under the trees with Cellweb TRP.

The current application includes a CMP which , among other things, aims to protect the Monterey Cypress (T25) with a 'raised protection system' based on the use of Cellweb TRP from the impacts of traffic movements in and out of the site/ It is noted, however, that these measures designed to avoid root compaction, are not proposed to extend to the protection of the two adjacent deodar cedars.

Survey work carried out from May 2018 to May 2019 found no evidence of nesting by heron or egret in the Monterey Cypress though up to 13 herons used it almost constantly for roosting. A pair of herons was recoded nesting in a tree on a adjacent property c.80m northeast of the Cypress in 2018 and up to 4 pairs of herons may have nested there in 2019. The Department considers that the cypress is important and considers this trees and the adjacent deodar cedars should be preserved.

In addition other bird species nest regularly in other trees and shrubs on the development site. The Department has no objection to the removal of these trees subject to vegetation clearance outside the bird breeding season.

A bat survey from August 2020 identified three bat species using the development site for foraging but located no roosts, which is in line with an earlier survey for the site. It is noted that the raw results of the recent bat activity survey seem to have been omitted from the report in error. The Department has no objection subject to appropriate conditions and oversight.

The Monkstown/Stradbroom Stream runs along the northern boundary and the NIS supporting the current application identifies this stream as a hydrological pathway by which material such as silts, demolition waste, oils and other chemical, which might

be mobilised from the site during development could be transported to the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA, potentially resulting in detrimental impacts on the mudflat habitats for the SAC was designated. The NIS therefore proposes mitigation measures.

Detailed Mitigation Measures should be set out in a Construction and Environment Plan to be agreed with the Planning Authority. The Department recommends that permission be granted subject to conditions.

9.3 Irish Water (9th November 2020):

IW have issued a Confirmation of Feasibility for connection to the Irish Water network(s) subject to the following:

Wastewater: The development should be connected to the 450mm combined sewer north of the site.

IW noted at pre consultation stage the presence of existing infrastructure which are in close proximity to site boundaries. The applicant is required to survey the site to determine the exact locations of this infrastructure and must engage with Irish Water's Diversion Section to review/approve the proposed works prior to commencement of construction to ensure adequate protection of existing assets and ensuring appropriate access is maintained during and post construction. Any trial investigations should be carried out with the agreement and presence of a Local Authority/Irish Water Inspector.

Water: In order to service the development a connection to the public water main will be facilitated on Carrickbrennan Rad.

The applicant has engaged with IW in respect of design proposal for which they have been issued a Statement of Design Acceptance for the development.

Recommended conditions attached.

9.4 Inland Fisheries Ireland (IFI) (18th November 2020):

- Should development proceed, best practice should be implemented at all times in relation to any activities that may impact on surface water (stream and river) or riparian habitats. Any discharges to surface water streams present on or near the site must not impact negatively on the Monkstown Stream. Comprehensive surface water management measures (GDSDS study

recommendations) must be implemented at the construction and operational stage to prevent any pollution of local surface waters.

- Ground preparation and associated construction works, including large scale topographic alteration and the creation of roads and buildings (as proposed), have significant potential to cause the release of sediments and pollutants into surrounding watercourse. Necessary precaution must be in place to prevent this occurring particularly since the groundwater table is high at the development site. Any dewatering of ground water during the excavation works must be treated by infiltration over land or into an attenuation area before being discharged off site.
- It is essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters. Ringsend WWTP is currently working at or beyond its design capacity and won't be upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

9.5 Transport Infrastructure Ireland (TII) (3rd November 2020): No observation to make.

10.0 Oral Hearing Request

3 no. Observer submissions included requests for an Oral Hearing.

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

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

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.

In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I note the observer submissions received and the contents thereof. Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral hearing as set out in section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended in this instance.

11.0 Environmental Impact Assessment Screening

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.)

The proposed development is for 112 apartments in 2 no. blocks on a site with a stated area of c. 0.95 hectares. 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).

The applicant submitted an EIA Screening Report 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

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, inter alia, Appropriate Assessment Screening, and landscape details and I have therefore completed a screening assessment as set out in Appendix 3.

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 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(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 'A' to protect and improve residential amenity' in the Dun Laoghaire County Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan;
- (c) the location and context of the site;
- (d) The existing use on the site and pattern of development in surrounding area;
- (e) The planning history relating to the site
- (f) The availability of mains water and wastewater services to serve the proposed development,
- (g) 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)
- (h) 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),
- (i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures

identified in the proposed Construction & Demolition Waste Management Plan (CDWMP)

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.

12.0 Appropriate Assessment Screening

12.1 Introduction

The AA Screening Report submitted with the application considered designated Natura 2000 sites within the Zone of Influence of the proposed development. This concluded that given the nature of the project and its potential relationship with European sites and their conservation objectives, as well as considered other plans and projects, and applying the precautionary principle, it is the professional opinion of the authors of the report that site is within the hydrological catchment of Dublin Bay and that significant effects could not be ruled out to the South Dublin Bay SAC. and therefore a Stage 2 Appropriate Assessment/preparation of a Natura Impact Statement (NIS) was carried out and submitted.

The NIS set out that the site was visited on 14th of February and 19th of December 2017 and 10th of February 2020. It found that the site is predominantly composed of buildings and artificial surfaces although mature trees along the route of the Monkstown Stream, as well as scrub habitat to the south do add some local wildlife interest. The lands are otherwise surrounded by roads or other artificial land uses, along with some areas of open green space (amenity grassland) and trees.

Any inert construction and demolition waste will be removed by a licenced contractor and disposed of in accordance with the Waste Management Act. Currently there is no attenuation of rain run-off and this enters the nearby stream. In accordance with the Greater Dublin Strategic Drainage Study this project will incorporate sustainable drainage systems (SUDS) that will appreciably reduce the current run-off rate. These

are standard measures which are incorporated into all development projects and are not included here to reduce or avoid an effect to any Natura 2000 site.

The NIS Concluded that effects from pollution during construction could not be ruled out without mitigation measures as during the site clearance and construction phases some sediment may become entrained in rain run-off. The Monkstown Stream is not of high fisheries value as it is extensively culverted along much of its length. Existing trees along this corridor are to be largely retained and this will provide a buffer between the water and the main construction zone. In addition, the construction of surface water outfall pipes may result in loss of pollutants. Although temporary, it is considered that the loss of construction pollutants to the stream could result in impacts to invertebrate communities within mudflat habitats. Significant effects to the South Dublin Bay SAC therefore cannot be ruled out.

12.2 Stage 1 Screening:

The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites. There are 17 European sites located within 15km of the site., However, there is no prescribed radius to determine which Natura 2000 sites should be studied and this depends upon the zone of influence of the project. The AA Screening submitted with the application identified 5 sites within the Zone of Influence (South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, North Bull Island SPA and Poulaphouca Reservoir SPA).

Table 1. Sites within 15km radius

European Site (code)	Distance to Development site	List of Qualifying Interest (QI)/Special Conservation Interest (SCI)
South Dublin Bay SAC (site code 000210)	c.350m (c.250m from the entrance to the access road off Carrickbrennan Road).	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]
South Dublin Bay and River Tolka Estuary SPA(site code 004024)	c.350m (c.250m from the entrance to the access road off Carrickbrennan Road).	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>) [A144] Dunlin (<i>Calidris 39etanu</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa 39etanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]
Dalkey Island SPA (site code 004172)	c.4.3km	Roseate Tern, Common Tern, Arctic tern
North Dublin Bay SAC (site code 000206)	c. 5.8km	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] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia 39etanus39</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190]

		Petalophyllum ralfsii (Petalwort) [1395]
North Bull Island SPA(site code 004006)	c.5.8km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris 40etanu) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa 40etanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]
Balydoyle Bay SAC (site code 000199)	c.12.5km	Mudflats and sandflats [1140] Salicornia and other annuals colonizing mud and sand [1310] Atlantic salt meadow [1130] Mediterranean Salt Meadows [1410]
Balydoyle BAY SPA (site code 004016)	c.12.5km	<i>Branta bernicula hrota</i> Light-bellied brent goose <i>Charadrius hiaticula</i> Ringed plover <i>Limosa lapponica</i>

		Bar-tailed godwit <i>Pluvialis apricaria</i> Golden plover <i>Pluvialis squatarola</i> Grey plover <i>Tadorna</i> <i>Tadorna</i> Shelduck Wetlands & Waterbirds
Howth Head SAC (site code 000202)	c.12.4km	Vegetated Sea Cliff [1230]Dry Heath [4030]
Howth Head Coast SPA (site code 004113)	c.12.4km	Kittiwake (<i>Rissa tridactyla</i>) [A188]
Rockabill to Dalkey Island SAC (site code 000300)	c.4.3km	Reefs.Harbour Porpoise <i>Phocoena phocoena.</i>
Ireland Eye SAC (site code 002193)	c.13km	Sea-Kale <i>Crambe maritima.</i> Vegetated Sea Cliff Perennial vegetation on stoney banks.
Ireland Eye SPA (site code 004117)	c.13km	<i>Phalacrocorax carbo</i> Cormorant <i>Larus argentatus</i> Herring Gull <i>Rissa tridactyla</i> Kittiwake <i>Uria aalge</i> Guillemot <i>Alca torda</i> Razorbill
Glenasmole Valley SAC (site code 001209)	c.15km	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (* important orchid sites)* 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) 7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)* * denotes a priority habitat
Knocksink Wood SAC (site code 000725)	c.9.8km	7220 Petrifying Springs, 21E0 Alluvial Forests
Ballyman Glen SAC (site code 000713)	c.9.5km	7220 Petrifying Springs, 7230 Alkaline fen

Wicklow Mountains SAC (site code 002122)	c.10.4km	3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i>
Wicklow Mountains SPA (site code 004040)	c.10.4km	<i>Falco colombarius</i> (Merlin) [A098] <i>Falco peregrinus</i> (Peregrine) [A103]
Bray Head SAC (site code 000714)	c.11.6km	1230 vegetated sea cliffs, 4030 Dry heath

The AA Screening Report submitted with the application notes that the site is not located within or directly adjacent to any Natura 2000 site (SAC or SPA). This part of south Dublin is a built-up residential zone and is predominantly composed of artificial surfaces although parks and gardens do provide some semi-natural habitat. Mapping from the OSI and EPA show that the lands are within the catchment of no significant water course. The Monkstown Stream (also referred to as the Stradbrook Stream) can be found along the northern site boundary. This is characterised by artificial embankments along this stretch and is culverted at its eastern end. Aerial photos and mapping indicate that it remains culverted until it reaches its outfall at Dun Laoghaire. As a consequence, the water course is of minimal fisheries value. Rainwater is presumed to run-off hard surfaces to enter local surface drains.

Whether any of these SACs or SPAs is likely to be affected must be measured against their 'conservation objectives'. Specific conservation objectives have been set for all of these areas with the exception of the Poulaphouca Reservoir. Generic conservation objectives have been published by the NPWS and are stated as *To maintain or restore the favourable conservation condition of the Annexed species for which the SPA has been selected.*

Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013) and for all qualifying interests the North Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent,

community structure and community distribution within the qualifying interest. There is no objective in relation to water quality.

For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space (NPWS, 2015a & b).

For the Poulaphouca Reservoir SPA, generic conservation objectives have been published by the NPWS and are as previously stated above (NPWS, 2020).

Given the nature of the proposed development, nature of the qualifying interests for the sites listed in Table 1 above, the nature of the conservation objectives for the sites, the separation distances of the application site from these Natura 2000 sites and the absence of connections to the site I am satisfied that the site, with the exception of to 4 listed below, can be screened out form further assessment.

Based on source-pathway-receptor connections, this screening shall focus on South Dublin Bay SAC, North Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, given its proximity to this site. I have also included Poulaphouca Reservoir as noted by the applicant in their Screening assessment.

Site Name (Site Code)	Distance to Development Site	List of Qualifying Interest (QI)/Special Conservation Interest (SCI)
South Dublin Bay SAC (000210)	c.350m (c.250m from the entrance to the access road off Carrickbrennan Road).	<ul style="list-style-type: none"> • 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]
South Dublin Bay and River Tolka Estuary SPA (004024)	c.350m (c.250m from the entrance to the access road off Carrickbrennan Road).	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]

		<p>Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] 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 (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	c. 5.8km	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • <i>Salicornia</i> and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
North Bull Island SPA (Site Code 004006);	c.5.8km	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130]

		<ul style="list-style-type: none"> • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Turnstone (<i>Arenaria interpres</i>) [A169] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Wetland and Waterbirds [A999]
Poulphouca Reservoir SPA (site code 004063)	c.25km	<ul style="list-style-type: none"> • Greylag Goose [Answer Answer], • the Lesser Black-backed Gull [<i>Larus fuscus</i>]

The application site does not overlap with the boundary of any European site, therefore there are no European sites at risk of direct habitat loss impacts.

There is an indirect link from the site to the Natura 2000 sites via the Stradbrook stream (which runs along the northern boundary of the site) to Dublin Bay and the Natura 2000 site.

There is an indirect pathway through stormwater sewers, which include significant dilution enroute to the stormwater outfall.

There is also an indirect pathway through foul sewers via the Ringsend WWTP basis.

There are no other discharges from this operation. Fresh water supply for the

development will be via a mains supply. This may originate in the Poulaphouca Reservoir.

There are no point air emissions from the site while some dust and noise can be expected during the construction phase. Many of the trees surrounding the site and along the entrance route are to be retained.

The relevant European sites and their qualifying interests are set out in table 2 above.

There is no potential source-pathway-receptor connections with any other European sites.

The proposed development lies outside the boundaries of any Natura 2000 site and therefore there will be no reduction in habitat.

12.3 Potential Effects on Designated Sites

In order for an effect to occur there must be a pathway between the source (the development site) and the receptor (the SAC or SPA). Where a pathway does not exist, an impact cannot occur. The proposed development is not located within, or adjacent to, any SAC or SPA.

The Screening for Appropriate Assessment Report submitted by the applicant is dated October 2020. The site was visited in February & December 2017 and February 2020. This screening stated concluded that given the nature of the project and its potential relationship with European sites and their conservation objectives, as well as considered other plans and projects, and applying the precautionary principle, it is the professional opinion of the authors of the report that site is within the hydrological catchment of Dublin Bay and that significant effects could not be ruled out to the South Dublin Bay SAC. and therefore a Stage 2 Appropriate Assessment/preparation of a Natura Impact Statement (NIS) was carried out and submitted.

The NIS submitted by the applicant is dated October 2020 concluded that effects from pollution during construction could not be ruled out without mitigation measures as during the site clearance and construction phases some sediment may become entrained in rain run-off. The Monkstown Stream is not of high fisheries value as it is extensively culverted along much of its length. Existing trees along this corridor are to be largely retained and this will provide a buffer between the water and the main construction zone. In addition, the construction of surface water outfall pipes may result in loss of pollutants. Although temporary, it is considered that the loss of construction pollutants to the stream could result in impacts to invertebrate communities within mudflat habitats. Significant effects to the South Dublin Bay SAC therefore cannot be ruled out.

I have examined the measure referred to an while some third parties have described these as 'mitigation measures' for the purposes of appropriate assessment, they are not. Notwithstanding the reference to 'mitigation' measures in a number of documents, The EclA, The Draft CMP and the HHQRA. I have examined these documents are I do not consider that they are mitigation measures for the purposes of appropriate assessment. In my view the word has been used incorrectly. They constitute the standards established approach for construction works on green field site, Their implementation would be necessary during the construction for a housing development on any development site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a greenfield/brownfield site whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water downstream of construction works has been demonstrated by long usage. Therefore, the proposed development would be not likely to have a significant effect the quality of the waters in the Natura 2000 sites downstream of the application site. Any potential impact would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any suburban area whether or not it is connected to a Natura 2000 site.

I inspected the site on the 14th January 2021 and I can confirm that the site has been developed previous for a Nursing Home and associated units and the majority of the

surface is artificial and little remaining natural terrain remains with the exception of the northern and southern boundaries.

Heron are not listed as a QI for the SPA and the application site does not provide ex situ habitats that support populations of species listed in the Natura 2000 sites which are the subject of the conservation objectives of those sites, as is evident from the information submitted in the AA Screening Report. However, I note that the applicant has prepared an Ecological Impact Assessment (EclA) and a Report in the Heronry that details the location of a Heronry on the subject lands and in the vicinity.

The proposed development would provide housing on lands zoned for that purpose. The foul effluent from the occupation of the residential units will be directed to the Ringsend WWTP, this received planning permission in 2019 to increase treatment capacity-and which has the capacity to assimilate the additional load. The WWTP has the remaining capacity of 33,080 PE. Irish Water have reported that this system can facilitate the proposed development.

Currently there is no attenuation of rain run-off and this enters the nearby stream. In accordance with the Greater Dublin Strategic Drainage Study this project will incorporate sustainable drainage systems (SUDS) that will appreciably reduce the current run-off rate. New surface water attenuation measures are designed so that there will be a significant enhancement to the quantity and quality of surface water leaving the site.

The foul effluent generated by the proposed development will drain via a separate foul drainage network within the site prior to discharge into a combined sewer network, from there it will be transferred via the combined sewer for treatment to Ringsend WWTP for treatment prior to discharge to Dublin Bay. Therefore the development has a potential impact pathway to European Sites within Dublin Bay via the combined surface water and foul water network.

In view of the potential hydrological connection to sites within Dublin Bay, I consider that the potential for effects on sites within the Dublin Bay coastal waterbody need to be considered at the Screening Stage. There are no hydrological or ecological pathways to any other European sites due to the separation distances involved and the absence of any ecological / hydrological or other potential impact pathways. I am,

therefore, satisfied that likely significant impacts can be excluded in respect of all other European Sites at the preliminary stage.

The potential for significant effects on the qualifying interest of the European Sites listed above as a result of disturbance and displacement effects do not arise. There are no European sites within the Zone of Influence for disturbance arising from construction. The nearest European site is c.350m from the developable area of the site (c.250m from the entrance piers to the access road at Carrickbrennan Road) The site has an indirect hydrological connection to this SAC.

There is no evidence that impacts are occurring to features of interest at the Poulaphouca Reservoir SPA due to abstraction. This is an artificial water body which is managed to provide drinking water to private homes and business. No negative effects to the SPA can occur from this source.

As the proposal would not result in the disturbance/displacement of the qualifying/special conservation interest species of any European site, there is not potential for any in combination effects to occur in that regard.

The potential for significant effects on the qualifying interests of the European sites listed above as a result of surface and foul waters generated during the construction and operational stage can be excluded. This conclusion is based on the fact that:

- The relatively low volume of any potential surface water run off or discharge events during construction relative to the recovering surface water and marine environments.
- Should a pollution event occur during the construction phase due to the accidental spillage or release of contaminants this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and the dilution arising from the volume of water between the sites. The distance between the subject lands and European sites within Dublin Bay and potential for pollution to be dissipated in the drainage network.
- Foul and surface waters will discharge to the existing combined foul and surface water network and will travel to Ringsend WWTP for treatment prior

to discharge to Dublin Bay; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards, further upgrade is planned and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus would not impact on the overall water quality within Dublin Bay.

- The EPA in 2018 classified water quality in Dublin Bay as ‘unpolluted’.

12.4 In Combination or Cumulative Effects

The potential for in combination impacts can also be excluded. I base my judgement on the following:

- Coastal waters in Dublin Bay are classed as ‘Unpolluted’ by the EPA;
- Sustainable development including SUDs for all new development is inherent in objectives of all development plans within the catchment of Ringsend WWTP;
- The Ringsend WWTP extension is likely to be completed in the short – medium term to ensure statutory compliance with the WFD. This is likely to maintain the ‘Unpolluted’ water quality status of coastal waters despite potential pressures from future development;
- At the time of writing there was no proven link between WWTP discharges and nutrient enrichment of sediments in Dublin Bay based on previous analyses of dissolved and particulate Nitrogen signatures; and
- Enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

The proposed development site lies outside the boundaries of the Natura 2000 sites identified above and therefore there will be no reduction in habitat. The project is not directly connected to the management of any Natura 2000 site. It is concluded with the Appropriate Assessment Screening that the proposed development will have no significant impact upon any Natura 2000 sites. Having regard to ‘source-pathway-receptor’ model, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites conservation objectives. No measures designed or intended to avoid or reduce any

harmful effects of the project on a European Site have been relied upon in this screening exercise.

I have had due regard to the information and reports submitted by the applicant and data used by the applicant to carry out the screening assessment and NIS submitted and the details available on the NPWS web-site in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site.

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

The NIS describes construction best practice measures and control measures for the purposes of appropriate assessment and refer to them as mitigation measures within elements of the NIS (section 3). Mitigation measures are also referred to within the CEMP, the Ecological Impact Assessment and other documentation submitted. In my mind they are not mitigation measures but constitute the standard established approach to construction works on greenfield/brownfield lands. Their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms

or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water has been demonstrated by long usage.

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

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

Given all of the information outlined above, it appears evident to me from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay SAC (site code 000210) or South Dublin River Tolka Estuary SPA (site code 004024), North Dublin Bay SAC (site code 000206) or North Bull Island SPA (site code 004006.) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required. If the Board does not adopt the screening recommendation set out in this report, then the submitted NIS provides sufficient information to allow a Stage 2 Appropriate Assessment to be completed.

13.0 Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment considers the relevant section 28 guidelines.

I have had regard to all the documentation before me, including, inter alia, the report of the Planning Authority; the submissions received; the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; together with the planning history of the site. I have visited the site and its environs. I consider the main issues to be addressed are as follows:

- Principle, Quantum & Density of Development
- Housing Mix
- Height, Design & Layout
- Residential Amenity
- Traffic and Transportation
- Drainage & Flooding Risk
- Ecology/Biodiversity/Wildlife/Trees
- Construction Phase & Enabling Works
- Social Infrastructure
- Part V
- Other matters
- Material Contravention
- Chief Executive Report

13.1 Principle, Quantum & Density of Development

13.1.1 Principle of Development

Having regard to the nature and scale of development proposed, namely an application for 122 residential units located on lands for which residential development is anticipated to be the predominant use under the zoning objective, I am of the opinion that the proposed development falls within the definition of

Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

The principle of a residential development on these lands was assessed and deemed acceptable by the Board under ABP Ref. 301533-18 (2018) and subsequent amendments under ABP Ref. No. 305843-19 (2019) by granting permission for the demolition of all existing structure and the construction of 72 apartments in two blocks. The current proposal before the Board is for 122 apartments in two blocks, an increase of 50 units and up to 3 no. additional floors. Given that An Bord Pleanála has recently granted permission for apartments on this site, it is my opinion that the principle of apartment development has been established on the lands. The Planning Authority in their report concur with this opinion.

13.1.2 Quantum & Density of Development

The Core Strategy for the county, as set out in the operative County Development Plan, recognises that approximately 3800 units per annum are required over the period to 2022. The RSES identifies Monkstown as located within the Dublin Metropolitan Area. The MASP seeks to focus development on large scale strategic sites and on the redevelopment of underutilised lands, based on key transport corridors that will deliver significant development in an integrated and sustainable manner. Monkstown is located within a 'strategic development corridor' of Dublin as it is within the North-South Corridor around the DART facility.

The applicant has set out the current proposal for 122 units on a site with a stated area of 0.95 hectares results in a density of 128 unit per hectare. A common thread in the submissions received relates to the density of the proposed development and that it is excessive for the site and location. A number of the observers have raised concerns about the proposed density and the 'developable' site area. The applicant has included the access cul-de-sac in the overall site area of 0.95ha. I note under PL.06D.247679 in 2017 was concluded that this area should be excluded along with the landscape buffers along the northern and southern boundaries for the purposes of calculating net density. The matter was not raised in the 2018 or 2019 applications.

Appendix A of the Sustainable Residential Development in Urban Areas Guidelines states that in calculating net density, major local distributor roads, primary schools, churches, local shopping and open spaces serving a wider area and significant landscape buffer strips can be excluded for the purposes of the net density calculation.

Based on the information on file and my calculations I concur with the observers up to a point. I am of the view that the access road should be excluded along with the 'buffer' area (c.0.165ha) to the north (riparian zone) noted in the submissions. However the area to the south (c. 0.13ha) should not as it is proposed to be altered/removed to accommodate the development .In my view the 'developable area' is c. 0.695 which results in a net density of c.175.5 units per hectare.

The Observers consider the proposed density unacceptable for this location and suggest such densities are more appropriate in more central locations. The DLRCC Chief Executive's Report states the proposed density is acceptable having regard to the location and context of the site within less than 1km of high frequency rail service and proximate to a number of bus stops.

Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

Chapter 2 of the Design Standards for New Apartments Guidelines 2018 (amended December 2020) notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The Apartment guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. Having regard to the sites location, approx.c.400m from Monkstown/Salthill DART station and its proximity to urban centres, employment locations and urban amenities

it is my opinion that the proposed increased scale of the proposed development complies with national guidance and, therefore, is suitable for higher density.

Having considered the applicant's submission, observers submissions and those of the Planning Authority, as well as local, regional and national policy, the site is within the MASP, close to public transport and in line with s.28 guidance on residential density, I am satisfied that the proposed quantum and density of development is appropriate in this instance having regard to national policy, the relatively recent permissions in the vicinity, the area's changing context, the site's size and proximity to public transport .

13.2 Housing Mix:

Observers raised issue with the number of 1-bed and 2-bed units proposed and that the scheme does not address the housing demand in the area. Concerns raised regarding the lack of family units. The Planning Authority have submitted reports from the planning section and housing section and are satisfied that their housing requirements are met and that the housing mix is acceptable. They do however highlight RES7 (housing mix in the county) and Section 8.2.3.3 the Dun Laoghaire Development Plan 2016 – 2022, which sets that Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1 bed units and a minimum of 20% of units over 80sq.m. The current proposal has 57 no. 1 bed units (ie 46.7%). 5 no. units (ie 4.1%) have a proposed floor area exceeding 80sq.m.

SPPR 1 of the 2018 Apartment Guidelines states that developments may include up to 50% 1 bed or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with 3 or more bedrooms. The proposed unit mix is 57 x 1bed units (46.7%), 58 x 2 bed (47.54%), 6 x 3 bed (4.92%). I am satisfied that the proposed mix complies with the requirements of SPPR1. This would lead an acceptable population mix within the scheme, catering for persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Furthermore, it would add a variety of housing type to an area predominantly characterised by traditional urban houses. I consider that the

proposed housing mix is acceptable and is in accordance with SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities.

I note the concerns raised by third parties relating to potential material contravening of the Development Plan, I draw the Board attention to an advisory note is included at the beginning of the statutory Development Plan to state that apartment standards have been superseded by the implementation of the national apartment standards and those SPPRs contained within. Furthermore, I am of the opinion that the wording set out in section 8.2.3.3 offers flexibility in the language used by reference to 'should' and not 'shall' and 'generally'. On balance given the housing mix in the general area I am satisfied that the proposal complies with policy RES7 and the issue of material contravention does not arise.

13.3 Height, Design & Layout

13.3.1 Height

Under the extant permission for the site (ABP- 305843-19) permission was granted for a maximum of 4 storeys across the proposed two apartment blocks. The current application proposes heights ranging from four to seven storeys, with the highest point located away from sensitive receptors.

The third-party submissions on file, acknowledge that there is an existing permission on the site for a residential development of 4 storeys in height, however, concerns are raised that the additional height proposed as part of this application would result in overdevelopment of the site would have a significant negative impact on the character of the area and would result in an inappropriate form of development

The applicant has put forward the justification for material contravention of the height parameters based on the location of the site, access to public transport with high capacity, frequent services and good links to other modes of public transport. The applicant holds that the development would be a sustainable use of zoned serviced lands. And have detailed that the apartment buildings have been designed to ensure minimal impacts to adjacent development.

I note that third party submissions have raised concerns that the site has significant constraints, given its location and the receiving environment and requires an appropriate design solution to accommodate these sensitivities. I consider that the proposed height, scale and massing is generally considered acceptable. I note the locational context of the site, in an area to be one which is transitional in area moving from a low density, two-storey suburban area to a more urban area with a mix of heights and densities. I am satisfied that the site has capacity to absorb a development of the nature and scale proposed.

Issue has been raised with regards the height of the proposed development vis a vis the Upward and Downward Modifiers as set out in the operative County Development Plan. I note Appendix 9 of the operative County Development Plan that sets out the Building Height Strategy for the county. This allows for a height of 3-4 storeys for apartment development on large redevelopment sites. The CDP acknowledges that there are instances where upward or downward modifiers may be applied by up to two floors. In this instance, the site area is in excess of 0.5 hectares, thereby able to create its own character/context and the location and scale of the existing buildings in the area would allow the recommended height to be exceeded with little or no demonstrable impact on its surrounds. It is therefore considered that the Upward Modifiers have been met.

The Planning Authority while generally satisfied that the site has the capacity to absorb additional height, recommended that permission be refused on the grounds that *the proposed development, by reason of its height, bulk, scale and massing, fails to have due regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. It will be seriously injurious to the residential amenities of properties location within its immediate vicinity by reasons of its height, bulk, scale and mass and by being visually overbearing.*

The height does not accord with the Building Height Strategy of the Dun Laoghaire County Development Plan. I am cognisant of national policy in relation to height, in particular the Urban Development and Building Heights, Guidelines for Planning Authorities (2018). I consider this to be a suburban area where excellent transport

links are evident, and it is my opinion that the height/density/scale such as that proposed is to be welcomed at such locations.

I note the development that has been permitted within the wider area, including recent SHD applications. The proposed development will not be unduly visible from the wider public areas when view in the context of the extant permission on site. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. The site is on serviced zoned lands and I am of the opinion that the appropriate re-development of these lands would be an appropriate intervention at this location.

The CGIs of the proposed development clearly illustrate the transition in heights between the proposed development and the permitted development immediately adjoining the site. I consider that the proposal would not be visually dominant when viewed from the surrounding area.

The Urban Development and Building Height Guidelines provide clear criteria to be applied when assessing applications for increased height. The Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPR 3 and 4 and the Development Management Criteria under section 3.2 of these section 28 Guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.

SPPR 3 states that where a Planning Authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant Development Plan or Local Area Plan may indicate otherwise. In this case, the Development Plan sets out maximum 2-3 storeys subject to upward/downward modifiers. While the proposed development has a height 4 to 7 storeys. I have addressed the material contravention in section 13.12 and below I provide further assessment against the criteria in section 3.2 here.

- (i) **At the scale of the relevant city/town:** The site is located in a highly accessible location in Monkstown. I consider the proposed quantum of residential development, residential density and housing mix acceptable in the context of the location of the site in an area that is undergoing redevelopment, is an area in transition that is 1 km or less from Monkstown village, Monkstown/Salthill Dart station and is considered to be in accordance with relevant national policies
- (ii) **At the scale of district/neighbourhood/street:** This relates to the character of the area in which the development is located. The bulk of the site is not in an Architectural Conservation Area (a sliver of the site at the entrance to the access road is within the ACA) or contain or immediately adjoin any protected structures. The nearest protected structure is on the northern site of the Stradbroke Stream. The highest element is focused on the southwestern portion of the site which bounds Richmond Park and the grounds of Dalguise House. The rear garden of Richmond Park houses are elevated above the site.

The site is located in an area which is the subject of a number of SHD applications and an area in transition and is a busy and robust environment, characterised by a range of architectural styles. Traditional 2 storey suburban housing in the wider area is giving way to the higher density developments and apartment blocks. The Monkstown area is characterised by a mixture of heights and scale and is an area undergoing redevelopment and transition. While the proposed development represents a change in scale, height across the site is stepped to have regard to existing and permitted heights.

The use of material and finishes to the elevations contributes to breaking down the overall mass of the proposed development. CGIs and 3D imagery of the proposed development have also been submitted with the application and have assisted in my assessment of the proposal. Overall, I consider the height and massing of the development appropriate for the location.

(iii) **At the scale of the site/building:** The proposal includes new public realm, active frontages and fenestration that will passively survey the access road and pedestrian linkages. It will contribute to the legibility of the area, by establishing a positive addition. The addition of apartment units will contribute to the dwelling mix of the location. Residential Amenities are addressed in section 13.4 Sunlight and daylight consideration are addressed in section 13.4. Flood Risk Assessment has been carried out and this is addressed in section 13.6.2.

I therefore find that the proposed development satisfies the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines.

Having regard to the considerations above, I consider that the proposal in principle for 4 to 7 storey buildings at this location is acceptable. I am of the view that having regard to national guidance, the context of the site in a highly accessible location which is undergoing significant redevelopment and extant permissions on the adjoining site, a grant of permission for the proposed development despite its height exceeding that prescribed in the Development Plan is justified in this instance.

The Planning Authority in its recommend reason for refusal also concluded that the scale, bulk and mass of the proposed development *'failed to have due regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. It will be seriously injurious to the residential amenities of properties location within its immediate vicinity by reasons of its height, bulk, scale and mass and by being visually overbearing'*

I have inspected the site and surrounding area and I agree that due to the level differences in the immediate vicinity and the removal of some trees, of varying quality, along the site boundaries the blocks will be visible to residents of the properties bounding the site. However, given the topography of the area the houses to the south are elevated above the site, those to the north are separated from the site by the Stradbrook stream and trees (including trees along the northern bank of the stream outside the applicant's control). The difference results in the site being contained within its setting and would not result in an overbearing or visually dominate development.

This is also reoccurring theme raised in the Observer submissions which highlight concerns that the proposed development is overbearing and would have a significant adverse impact of the visual amenities of the area. I am satisfied that the proposed development will not have a significant adverse impact on the visual amenities of sensitive receptors in the area, such as existing residential dwellings, nearby Protected Structures and the Monkstown ACA to the south. The proposed development would be an appropriate sustainable use of this zoned serviced underutilised site.

The Planning Authority have recommended in the event that the Board consider granting permission that Block B be reduced by one floor by omitting an intermediate floor.

I note the concerns raised by the Planning Authority, however given the context of the site, the relationship with adjoining proprieties, the separation distances between these properties and the difference in levels across the immediate area, I do not consider that a reduction in height is warranted. I am satisfied that setbacks from the nearest residential properties are adequate to address any potential concerns regarding visual dominance or overbearance. The range in heights takes account of the surrounding context of development including constructed development on adjacent sites and recently permitted development in the wider area. Overall the proposed development has been designed to minimise impacts on existing residential development.

I consider the height proposed to be in keeping with national policy in this regard. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development and recognises that a more compact urban form, facilitated through well designed higher density development is required. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal.

13.3.2 Design

There is an extant permission on site for a development of 72 apartments arranged in two blocks which are parallel but not connected, with a height of 4 storeys.

While the principle of apartment blocks and height have been established for the site the current proposal differs in terms of height, scale, set back from boundaries and design elements. The current proposed development comprises of the construction of 122 no. apartments in 2 blocks ranging in height from 4 to 7 storeys.

A detailed Architectural Urban Design Statement is submitted with the application which sets out clearly the overall architectural rationale and approach. The applicant also provides a Landscape Rationale Report and Building Lifecycle Report, these should be read in tandem as they set out external building materials and landscape external materials. In my view, the use of high-quality materials and finishes and contemporary design offers an opportunity for an aesthetically pleasing development at this location. While I recognise that the proposal would have a visual impact when viewed from the surrounding area it is reflective of the evolving built environment in

general area I consider it to be a positive one which enhances the architectural grain of the area.

The Apartment Guidelines require the preparation of a Building Lifecycle Report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

On balance, I support the case for a modern intervention that contributes to and adds to the narrative of the area, in this instance I consider that the overall design strategy is appropriate and does not result in a development that unduly detracts from the character of the area which is one in transition and subject to a vast array of architectural styles, scales reflective of the eclectic character of the Monkstown area.

13.3.3 Layout

In general the overall layout, together with works to the access road will remain largely unchanged from that previously permitted under ABP-305843-19.

The bulk of the site at present lacks any landscape features to speak of, where not occupied by buildings it is predominately under hard surfacing (car parking, access, play area) with a marginal planted area along the northern and western boundaries and in the form of pocket courtyards integrated into the layout of the former Nursing Home which is to be demolished. Trees are located along the western and northern boundaries and along the cul-de-sac which links the site to the Carrickbrennan Road.

The proposed site layout provides for interconnected spaces. Soft and hard landscape features create a sense of place within the scheme. The design, internal layout and orientation facilitate dual aspect units and this is considered acceptable. I consider the overall design and layout of the buildings, for the most part, is well thought out given the constraints of the site.

There is good connectivity and permeability within the site and from the site to adjoining amenities and Monkstown village centre. Indicative pedestrian link is shown to Dalguise House and grounds, subject to consent. I consider, if the Board is of a mind to grant permission that links should be shown up to the site boundaries to facilitate their future provision subject to the appropriate consents. Provision of these links will greatly improve accessibility and linkages in the area, increase their usage and by association security through active usage.

The Open Space provision is stated to be as follows: Communal Open Space: c.2,107sq.m, Usable Open Space: 1,357sq.m, allocated Play Areas: c.150sq.m, Privacy Strip: c.710sq.m and Private Open Space: c.177sq.m.

In this instance, I am satisfied with the quantum of open space being provided and considers that that it complies with the requirements of the County Development Plan in this regard. I draw the attention of the Bord to the fact that extensive public open space exists in the wider area. I also note that the proposed public open space would achieve adequate daylight/sunlight during the year. Having regard to all of the above, I am satisfied with the quantum of open space being provided, subject to conditions.

I note the concerns expressed by observers in relation to the provision of a railing along the bank of the Stradbrook Stream. I note that this takes the form of a safety barrier given the drop in levels and the Planning Authority have not raised any objection subject to it being mammal friendly. I concur with the Planning Authority and have no objection to this fence. This matter can be addressed by condition.

I have examined the documentation on file, including arboriculture reports and Landscape Design Rationale which sets out proposals for the adoption of controlled construction techniques and tree protection measures, the potential for tree retention has been maximised as best as possible and tree loss has been mitigated by what is a substantial planting scheme. This is considered reasonable. I consider that the proposal is a sensitive intervention in terms of landscaping, tree retention and open space provision and adequate landscape buffers along with the treatment of the riparian area. Additional mitigation measures set out in the EclA and the DAU submission should be included by condition if permission is granted. The Planning

Authority and the DAU have not expressed concerns in this regard, subject to conditions.

The apartments are provided with either terrace or balcony spaces, all to an acceptable standard. Apartment units are uniformly distributed throughout the site and are provided with adequately sized public or semi-private open space and play areas which comply with the standards set out in the appendix to the Guidelines. A high standard of landscape is proposed throughout the scheme which provides future occupiers with good quality amenities.

13.4 Residential Amenities

13.4.1 Impact on adjoining properties

Concerns regarding impacts on residential amenity have been raised in the third party submissions received and these are noted. The principle of two apartment blocks has been established on the site under ABP 301533-18 and ABP 305843-19 and I consider that the proposal before me would have negligible additional impacts on residential amenity over and above what was previously permitted.

Third parties have raised overlooking as an issue between the proposed apartment blocks and houses bounding the site, in particular due to the height of the buildings, the presence of balconies and their set back from the site boundaries. The application site is mostly bounded by residential properties, predominantly the rear gardens of those in Richmond Park to the south which are elevated above the site. The rear garden of properties to the north are screened from the site by mature trees on both banks of the Stradbrook stream. Houses on the opposite side of the cul-de-sac to the east are at an angle to the site, as are those separated by the pedestrian link to Richmond Park. I consider that the design of the elevations of the apartment blocks, internal configuration of apartment layouts, the relationship of the buildings to the site boundaries and each other and the separation distance from the nearest adjacent residential properties would serve to mitigate the potential for overlooking. Privacy would be further enhanced with proposals for landscaping/screening to the boundaries to reduce the impact on adjoining properties to the east, west and north.

On balance, I consider that the separation distances between buildings, the design of the proposed buildings, the topography of the area, regarding houses at Richmond Park, and the buffer formed by existing public realm to the east and proposed areas of public open space, along with the proposed landscaping would serve to suitably address potential for overlooking amenities spaces associated with the residential properties to the residences adjoining the site.

In relation to potential of overshadowing, the proposed apartment blocks are located to the west, south and north of the existing residential developments that directly bound the site. A Daylight & Sunlight Analysis Report has been submitted. I note that at present there is a significant degree of overshadowing of adjacent properties (other side of the stream) to the north from the existing trees on site. The properties to the south are elevated above the site. Overall, I consider the increase in overshadowing to the most sensitive receptors (ie those to the north and east) that may arise from the proposed development would be akin to what is currently experienced by adjoining properties and I do not consider any potential increase would be to such an extent to warrant a reason for refusal on this grounds. A reduction in building heights is not required, as this would not reduce any potential impacts in particular within the scheme, albeit that these are not considered significant in any event.

I am satisfied that the proposed development will not unduly adversely impact on adjacent residences by reason of overshadowing or impact on access to daylight. To such an extent to warrant a reason for refusal.

I am satisfied that overshadowing of units within the scheme is not a concern.

The Planning Authority have raised concerns regarding overlooking and overshadowing. I consider that impacts on privacy would not be so great as to warrant a refusal of permission. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity. This is an urban location and some degree of overlooking/overshadowing/loss of light is to be anticipated at such locations.

The Planning Authority raised concerns regarding the level of shading in the communal amenity areas and their amenity value. I have examined the details provided and I consider the level of daylight appropriate given the context of the site and availability of alternative communal areas within the proposed layout. Given that future residents are not reliant on this space as their main amenity area and I do not consider that it warrants a refusal of permission on these grounds.

Having regard to all of the above, I am satisfied that the impacts on the residential amenity of the area are acceptable and that the proposal would not detract from this amenity to any significant degree. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity. This is a zoned, serviceable site and I consider the proposal appropriate at this location. I consider that the proposal does not represent over-development of the lands in question.

13.4.2 Residential Standards for future occupiers

The development is for 122 apartments and as such the Sustainable Housing: Design Standards for New Apartments 2018 (as amended in December 2020) has a bearing on the design and minimum floor areas associated with the apartments. In this context the Guidelines set out Special Planning Policy Requirements (SPPRs) that must be complied with.

The Architectural Urban Design Statement, Planning Statement and Statement of Consistency submitted have addressed compliance with the relevant standards.

Appendix 1 of the Apartment Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The submitted schedule of areas indicates that all apartments meet or exceed the minimum storage area, floor area and aggregate floor area and width standards.

In terms of amenities for future occupants the development is of a high standard. It complies with the requirements of the 2018 Apartment Guidelines. The proposal

complies with SPPR3 (internal floor areas), SPPR 4 (dual aspect) SPPR5 (ceiling heights) and SPPR6 (units per stair core).

I am of the opinion that the design and internal layouts of the development are generally satisfactory with regard to national guidance for residential development and that there will be a reasonable standard of residential accommodation for future residents of the scheme.

13.5 Traffic and Transportation

The application is accompanied by a number of technical reports including inter alia Traffic & Transport Assessment Report, Mobility Management, Quality Audit Report, Auto Track Analysis and DMURS Compliance Statement. The contents of these documents appear reasonable and robust. I note that concerns regarding transportation matters were raised by the Elected Members, as contained in the Chief Executive Opinion and observers in numerous submissions.

13.5.1 Access Road

The site will be served by one vehicular entrance via an access road that links the site to Carrickbreenan Road.

Palma Management Company Ltd in their submission have submitted correspondence from DLRCC dated 9th May 2016 which sets out that the road from Cheshire Homes to Carrickbreenan Road is in charge by the Council. The applicant has included this road within his site boundaries. Some Observers hold that the inclusion of this road is misleading in terms of status of the road, the use of this for calculation site area and associated site densities.

I have addressed the issue of developable area in section 13.1.2 of this report. I note that neither the Transportation Planning Section Report nor the Planning Analysis contained in the Chief Executive Report received by An Bord Pleanála on the 10th December 2020 commented on the access road or works proposed to same.

Furthermore, I note that this access road and similar works were included in the extant permission which was considered by the Board in 2019. And as works are proposed to the road it is appropriate that the road is within the application site

boundaries outlined in red if said works are to be carried out by the applicant. Ultimately the issue of who carries out the works to this road is a matter for the applicant and the Dun Laoghaire Rathdown County Council as no objection has been raised to the nature of the works by the Council which are the Planning and Roads Authority in this instance.

13.5.2 Traffic

Most observers are concerned about the existing traffic situation in the area. Concerns centre around the capacity of the existing road infrastructure and the likely negative impact from the increase in traffic from new developments. The roads in the immediate area of the site are typical suburban roads with cycle infrastructure. The applicant has submitted a Traffic and Transport Assessment (TTA). The applicant is satisfied that the traffic generated by the proposed development can be accommodated on the existing road network and no specific junction improvements are necessary in the area.

Observers have raised issue that the TTA and other studies did not include the adjoining Dalguise development. The TTA submitted with the application includes details/and extract from the TTA submitted under ABP 306949-20 for Dalguise. These have been added to the assessment of the network flows for 2023 and beyond.

The Planning Authority has not raised concerns about the impact of the development on the existing nature of traffic experienced in the area but do require some technical details to be clarified. Transport Infrastructure Ireland noted they had no observation to make.

I am satisfied, in particular having regard to the TTA and comments from the Planning Authority, that the proposed development will not pose an unacceptable level of traffic hazard or undue impact on the carrying capacity of the surrounding road network and junctions, and that subject to conditions, the development is acceptable from a traffic/roads perspective. Furthermore, the site is on services zoned lands in an area where good public transport links exist within comfortable

walking distances, future residents will be well served by public transport and encourages a modal shift away from the private car.

13.5.3 Parking

Policy ST3 of the current Development Plan seeks to promote a modal shift from the private car to more sustainable modes of transport. Table 8.2.3: Residential Land Use Car Parking Standards of the 2016-2022 County Development Plan sets out car parking standards for residential use at a rate of 1 space per 1 bed unit and 1.5 spaces per two-bed unit

The applicant has proposed a development that will provide 122 no. car parking spaces for the proposed 122 apartments at basement level. The Planning Authority consider the reduce parking at a rate of 1 space per units acceptable in this instance give the accessible location of the site and access to alternative modes of transport.

I note that the basis for justification of higher density at this site is the density guidance in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) for central and/or accessible urban locations. There is an expectation within the guidelines that development of this density would be provided in sustainable locations, and that very low provisions of parking would be justified at these locations Given the location of Monkstown and its good public transport connections the quantum and design of car parking is appropriate for the scale and density of development. I acknowledge that the proposed parking provision is generous for this area, however I note that Planning Authority's comments and I consider this acceptable. However, it is available to the Board to consider a further reduction in this instance as a further reduction in parking provision could be facilitated by reducing the number of parking spaces at basement level and replacing these with bicycle spaces and storage.

The issue of material contravention as raised by third parties would not arise given policy ST3 of the current development plan as set out.

In total 270 no. cycle spaces are proposed within the proposed development. 246 at basement level and 24 at surface level. This figure is considered acceptable. The Planning Authority have noted no objection.

A Statement of Consistency with DMURS has been submitted with the application. Adequate facilities are provided to facilitate pedestrians and cyclists and the scheme is generally compliant with the principles of DMURS. The Planning Authority have not raised any concerns pertaining to same.

On balance given the location of the serviced site in an area where good public transport links exist within comfortable walking distances, future residents will be well served by public transport and encourages a modal shift away from the private car. I am satisfied that the proposal is broadly in compliance with national, county and local objectives with respect to transport.

13.6 Drainage & Flood Risk

13.6.1 Drainage

In term of site services, Irish Water have set out that the development should be connected to the 450mm combined sewer north of the site. And in order to service the development a connection to the public water main will be facilitated on Carrickbrennan Road. An Irish Water Design Submission has been submitted by the applicant, which states that based on the information provided, Irish Water has no objection to the proposal. A report was received from Irish Water, at application stage, which raises no objections to the proposal, subject to condition and states that the applicant has engaged with IW in respect of the design proposal for which they have been issued a Statement of Design Acceptance for the development. The report of the Drainage Division of the Planning Authority, as contained in the Chief Executive Report sets out no objection subject to conditions.

The site can be facilitated by water services infrastructure and the Planning Authority and Irish Water have confirmed this. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition. I note the requirements of Irish Water and the Council's Drainage Section which can be addressed by condition if the Board considers granting permission.

13.6.2 Flood Risk

A Flood Risk Assessment and a Stradbroom Stream Flood Study Report were submitted with the application. The information contained within these documents appears reasonable and robust.

The Stradbroom Stream bounds the site to the north and flows from west to east through culvert under Richmond Green (small scheme of houses on the eastern side of the access road).

The FRA submitted with the application noted the site is located in Flood Zone C. There is no record of pluvial, tidal or fluvial flooding on the application site. No prediction of ground water flooding. There is no record of flooding on the site but several flood events have been recorded in the vicinity (OPW Flood maps). A flood hot spot on Map 3 DLR CDP corresponds with a flood event at Alma Place and Carrickbrennan Road on the 24th October 2011 (11 properties flooded and 500m of the Carrickbrennan Road). The source was overtopping of the Stradbroom Stream and Alma Place and flowed down to Carrickbrennan Road.

The site currently discharges surface water runoff directly to the Stradbroom Stream without any attenuation. The existing site does not contain any form of SUDS to reduce surface water from the site. The proposed redevelopment will incorporate surface water attenuation for a 1%AEP (100 year even). Green roof systems and podium areas will reduce overall runoff from the site. To mitigate any potential risk posed by overtopping of the stream it is proposed to provide additional flood alleviation measures to improve the hydraulic capacity of the existing Richmond Green culvert and limit the risk of overland flows by bypassing the restrictive culvert during extreme events.

Observers have noted that Monkstown flooded in November 2020. I have no comment from the Planning Authority on this matter.

The report of the Drainage Division of the Planning Authority, as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions.

Conclusion:

Based on all of the information before me, including the guidance contained within the relevant Section 28 Guidelines, I am generally satisfied in relation to the matter of drainage and flood risk. The matter was assessed in the extant permission by the Board. No issues were raised in this previous application, subject to condition. The Planning Authority and Irish Water have not raised concerns in this matter in relation to the current proposal before the Board. I am also satisfied in this regard, subject to condition.

13.7 Ecology/Biodiversity/Wildlife/Trees

13.7.1 The applicant has identified a number of ecological sensitives that affect the site. To this end, the applicant has prepared an Ecological Impact Assessment (EclA), together with an EIA Screening Report, an AA Screening Report and Natura Impact Statement (NIS), a Bat Survey Assessment Report and a Report on the Heronry. Of particular interest to the site are the impacts to bats and Heron, both are recorded as present in the general area and on site. The EclA, Bat and Heron Reports highlight impacts and outlines mitigation measures.

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media in their submission noted that the site has been the subject of a number of recent planning applications on the site. No submission was made by the Department on the D19A/0378 (ABP 305843-19) as this involved modifications to the parent application and did not alter the proposed developments impacts on flora and fauna, for which mitigation had already been provided by conditions attached to D17A/0590 (ABP 301533-18), which remain unaltered.

13.7.2 Heronry

Studies were carried out between May 2018 and May 2019 and more visits in August 2020. The Heronry is on lands outlined in red include 1 no. Monterey Cypress and 2 no. Deodar Cedar. I note that these trees are located on the western side of the access road outside the main body of the site and outside the 'developable area'. An

Observer submission has included correspondence from DLRCC that states that this road is in the charge of the Council.

The Report on the Heronry submitted with the application concluded that 13 grey herons were observed roosting, there was no evidence of breeding behaviour on the tree referenced above. No little Egrets were observed. It was noted that Grey Heron Breeding activity did, however, take place in a nearby tree on adjoining lands.

Grey herons are large predominately wetland feeding birds, which naturally occur at a low density. The herons probably feed predominantly on the nearby South Dublin and Tolka River Estuary SPA and make up a significant proportion of the population using Dublin bay as a whole. Over winter they will be joined by inland breeding birds.

I note that the trees in question are predominantly located outside the main body of the site where the main area for redevelopment is located. During my site visit, I did not observe a single heron perched or in flight, I did not seek out nests and cannot therefore confirm nesting sites on the lands concerned. I do not consider this a necessary action in any case, as there would appear to be no dispute as to the existence of a heronry at this location. In this context, I am guided by the material produced by the applicant and the recommendations of the Department, which I consider to be relevant and reasonable and should form the basis of a relevant condition if the Board considers granting permission.

13.7.3 Bats

A Bat Survey was carried out in August 2020 and a Bat Survey Assessment Report was submitted with the application. The survey identified three bat species using the development site for foraging but located no roosts, which is in line with an earlier survey for the site. It is noted that the raw results of the recent bat activity survey seem to have been omitted from the report in error.

While the omission of the raw data for the Bat Surveys is noted, I am of the opinion that the matter is not so great in this instance as to warrant a refusal of permission. I would concur with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and

Media that the matter could be adequately dealt with by means of condition and appropriate oversight. The Planning Authority have not raised this as an issue, The EclA concludes that based on the successful implementation of the mitigation measures and proposed works to be carried out in accordance with that document and the CMP, it is likely that there will be no significant ecological impact arising from construction and the day to day operation of the proposed development. There is no report on file from the Planning Authority's Biodiversity Officer.

Mitigation measures are proposed, which appear reasonable and I recommend that if permission is being granted for the proposed development, this issue be dealt with by means of condition. The DAU in their submission have set out recommended conditions relation to nature conservation.

13.7.4 Trees

The application site at present comprises a former Nursing Home and associated studio apartments, these occupy the majority of the footprint of the site. The remainder is a mix of different hardcore areas consisting of carparking, access and play area along the southern boundary. The northern and western portions have marginal planted areas which bound the grounds of Dalguise House and the Stradbrook Stream respectively. A limited number of trees are located along these boundaries, with the mature Monterey Cypress located at the entrance to the main body of the site at the access cul-de-sac, along this access and on lands to the north and west.

The principle of developing the site for apartments has been established, the current proposal while larger in scale would have a similar impact on the sensitive receptors identified. Furthermore, it is acknowledged that the heronry reference in the previous application for the site has moved northwards by c. 80m to a tree on adjoining lands. THE DAU noted that the Monterey Cypress on the access road (at the entrance to the main bulk of the site) is important along with the adjacent Deodar Cedars and should be preserved. I note that there are no proposals for the removal of these trees to be removed and mitigation by condition.

The EclA note that other bird species nest regularly in other trees and shrubs on the development site. The Department has no objection to the removal of these trees subject to vegetation clearance outside the bird breeding season. I have inspected

the site and I concur with the Department. The site predominantly under artificial surfaces with planted buffers/riparian area to the north and planted boundaries to the south.

13.8 Part V

The applicant proposes to comply with the requirements of Part V of the Planning and Development Act 2000, as amended by way of transfer of 12 units, located within Block A & B, comprising 6 x one bed units and 6 x two bed units. Given the relatively small-scale nature of the development proposed, together with its layout and design, I consider that they are appropriately integrated into the proposed scheme. The Planning Authority are satisfied in this regard and recommend a condition to deal with the matter, in the event of permission being granted for the proposed development. This is considered acceptable.

I note concerns raised by observers regarding the accessibility of the Part V units. I have reviewed the proposal and observe that the proposal include:

- Block A – 7 no. apartment units (4 no. 1-bed and 3 no. 2-beds at ground floor level);
- Block B – 5 no. apartment units (2 no. 1-bed and 3 no. 2-beds at ground floor and first floor levels).

The development will also be required to comply with Part M of the Building Regulations which is beyond the scope of this report.

13.9 Childcare

Concern was expressed by the Planning Authority and third party Observers, regarding the lack of a childcare facility within the proposed development.

The Apartment Guidelines, 2018, states that the threshold for provision of childcare in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. The guidelines state that 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

The proposal does not include provision for a childcare facility and the matter has been addressed in the submitted Childcare Provisions Assessment Report and Community & Social Infrastructure Audit. The applicants support their argument for non-provision by reference to existing and permitted childcare facilities within the locality. I am satisfied with the justification put forward in this regard.

Having regard to the guidance contained in the Apartment Guidelines and in view of the development being comprised of predominately of 1 and 2 bed units (5 of the 122 units are 3 bed) and the existing available facilities in the area, I am satisfied that the omission of childcare from the development is acceptable.

The issue of material contravention as raised by third parties does not arise.

13.10 Construction Phase

13.10.1 Retaining Wall & Enabling works

Concerns have been raised by third parties regarding the feasibility of building the retaining wall along the southern boundary. The extent of engineering works proposed (c.5m from No 13 -18A) have raised significant concerns. The concerns include the use of hammer sheet piling, vibration extraction of temporary sheet piles, drilling of secant pile walls, drilling of anchors for laker props etc. the temporary propping with flying shores for the retaining wall. It is argued that the stability of Richmond Park houses will be at risk throughout these complex civil engineering works. Given the proximity of the houses to the proposed works, the extent of the works required and the complex engineering requirements of such works the Observers are not satisfied that these matters have been fully addressed in the applicant documentation. Observers are of the view that permission should be refused on the grounds of lack of site investigation and lack of information that informed CMP and CDWP. I note that submissions include one from a member of the IEI. No independent report or investigations are included in support of these claims.

The application documentation includes inter alia Enabling Works plans & details, Construction Management Plan, Construction & Demolition Waste Management Plan. I note the Planning Authority have not raised concerns on this matter. I am of the view that if the Board of a mind to grant permission that this matter can be addressed by condition. Detailed technical Specification and working drawings are

normally the next step in the process for developing a site and the difference in the level of detail between 'planning drawings' and 'working drawings' is substantial. Specifics would also be required to be addressed in a detailed Method Statement for the works, a CMP and CMEDP. Furthermore the developer will be required to adhere to best practice and relevant regulations and certificates, all of which would be overseen by a signed certifier.

I am of the opinion that the issue of enabling works and the construction of the retaining wall along the southern boundary is an issue that requires additional information/engineering solutions prior to the commencement of works rather than forming a basis of refusal. If the Board is of a mind to grant permission a condition should be attached that that no development should commence on site until a construction method statement has been submitted and approved by the Planning Authority.

13.10.2 Noise & Vibrations

Third parties have raised concerns that the amenities of local residents would be impacted by traffic, noise, vibrations and removal of rock during the construction phase of the proposed development.

The draft Construction Management Plan would address how it is proposed to manage noise, vibration and other impacts arising at the construction phase to ensure the construction of the development is undertaken in a controlled and appropriately engineered manner to minimise intrusion.

I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration.

Having regard to all of the above, I am of the opinion that while there will inevitably be some disruption for local residents, it will be short-term in nature and I consider that impacts on the residential amenity of the area would not be so great as to warrant a refusal of permission. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. Outstanding matters and the requirement for a CEMP can be addressed by condition.

Concerns were raised by Observers regarding access to the basement car park, they hold that some consideration should also be given to minimising noise from the car park ramp to the basement with regards to the apartments/balconies over is noted. I note the concerns and I am satisfied that this has been addressed in the application through design and screening proposals.

13.11 Other Matters

13.11.1 Legal Matters

The issue of landownership has been raised by a third party (Michael Begley) and has stated in his submission that a portion of the site includes lands that are in his ownership without his consent. This matter was raised in previous applications that came before the Board for this site.

The applicants in Q.7 of The Strategic Housing Development Application Form have stated that they, Randalswood Construction Ltd, are the site owners. The application site has been outlined in red in the documentation submitted with the application for SHD before the Board.

I note the information set out above and I further note that it is not for the planning system to resolve matters relating to landownership.

Section 5.13 of The Development Management, Guidelines for Planning Authorities (2007) refer to Issues relating to title of land. This section states that *the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the Courts. In this regard, it should be noted that, as section 34 (13) of the Planning Act states, a person is not entitled to solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision.*

The Guidelines also set out that permission may be granted even if doubt remains. However, such a grant of permission is subject to the provision of section 34(13) of

the Act. In other words the developer must be certain under civil law that he/she has all the rights in the land to execute a grant of permission.

I am of the view that it would be unreasonable to refuse permission in relation to this matter. The question of ownership of land is a legal matter and outside the scope of a planning permission.

13.11.2 Archaeology

An Archaeological Impact Assessment Report has been submitted with the application and the information contained therein is noted. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media noted the assessment submitted with the application. The Department concluded that as there is potential for archaeological features/material to be present at the site. It is recommended that archaeological monitoring conditions to be attached. If the Board is disposed towards a grant of permission, I recommend that a similarly worded condition be attached to any such grant.

13.11.3 Monkstown ACA and adjoining Protected Structures

A portion of the site outlined in red is included in the ACA, this refers to the access road, a shared cul-de-sac with numerous other properties. The overall development of the main body of the site where the apartment blocks are proposed does not impinge on the ACA nor would it detract from the character and setting of any Protected Structure in the immediate vicinity. During my inspection of the area I noted that a number of protected structures in the immediate vicinity have had their setting altered by developments within their curtilage or attendant grounds over the years.

13.11.4 Demolition of Cheshire Home

The lack of justification for the demolition of the former Cheshire Homes is the subject of a number of the Observer submissions. It is also stated in submitted that the demolition of the Cheshire Home would contravene policy AR5 and therefore constitute a material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

I note the concerns raised by the third parties and I bring the following to the Board attention. The principle of demolition the Former Richmond Cheshire Homes Nursing home and associated studio units was considered by the Board under ABP 301533-18 and 305843-19 and deemed acceptable.

Policy AR5 relates to buildings of heritage interest. The structures to be demolished are of no architectural merit nor have they been deemed to be of heritage interest by DLR. I note that the Nursing Home was potentially developed in the original attendant grounds of Richmond House, as was the Richmond Park housing estate to the south. The demolition of the structure would not have a detrimental impact on the character or setting of Richmond Park House. The existing structures on site area of no heritage interest and I have no objection to their demolition.

Third parties hold that the lack of justification for the demolition of the structures constitutes a material contravention of the Development Plan. I have examined the documentation on file and not the extant permission for the site, which includes permission for demolition of all existing structures. I am satisfied that the issue of material contravention as raised by third parties does not arise.

13.11.5 Covid 19.

Numerous submissions have raised issue how the developemtn address the post Covid 19 landscape, implications for the design and density of developments and public participation during the national lockdown.

- Ventilation in buildings is addressed in the Building Regulations.
- I note observers raised issue with public participation and access to information during restrictions associated with the Covid 19pandemic . The application was available on the website assigned to this application during this period (www.monkstownshd.ie) and was available for viewing in the planning authority offices and ABP. Viewing of which is considered under 'essential travel' during periods of tighter restrictions.

- The Government's orders extending time limits on planning matters provided that the period of time beginning on 29 March 2020 and expiring 23 May 2020 is to be disregarded for the purposes of calculating various time limits under the Planning and Development and other related Acts. As the Government has not made a further order extending the time freeze beyond the 23 May 2020 the normal time limits as set out in the relevant legislation apply with effect from 24 May 2020.

13.12 Material Contravention

13.12.1 The proposed development materially contravenes the Dun Laoghaire Rathdown Dublin County Development Plan 2016-2022 in terms of Policy UD6 (Building Height Strategy) and Appendix 9 (Building Height Strategy).

I note that the applicant has submitted a material contravention statement in relation to the matters outlined above, in all instances the justification or reasons put forward relate to the relevant section 28 guidelines, regional guidelines or national frameworks. The applicant has advertised that a material contravention statement is submitted as part of the application as required under legislation.

Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

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

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

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy 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,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

The current application has been lodged under the Strategic Housing legislation and the proposal is considered to be of strategic importance. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 which fully support and reinforce the need for increased residential density in settlements such as that proposed. National Policy Objective 35 of the NPF refers to such sites. I consider this to be one such site. Ultimately higher densities, result in greater numbers of people living at the right location, as well as taller buildings that should be delivered with greater unit mix and higher quality accommodation.

I have addressed all of these points in the body of my report.

13.12.2 Height:

Policy UD6 states *“It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.”*

Appendix 9 contains the County’s Building Height Strategy:

Section 2.1.1 densities are referred when assessing the level of development permissible on site as this is expressed in terms of plot ratio, site coverage, number of units, footprint and compactness of the development amongst other criteria.

Chapter 3

Proposals for infill sites should focus on whether the proposal would result in a desirable alteration to the prevailing character of the area and/or can be satisfactorily absorbed into the local context.

Chapter 4

Section 4.8 refers to suburban areas.

Refers to the accommodation of 3 to 4 storey apartment buildings adjacent to important public transport nodes, subject to the considerations of downward and upward modifiers. These maximum heights may be modified up or down according to certain circumstances set out in section 4.8.1 and 4.8.2.

Section 4.8.1 Upward Modifiers

In particular (e) and (f):

- (e) The site should be within 500m of a DART station.
- (f) The site should have an area of 0.5 hectares or higher and height should be sited away from residential boundaries.

Section 4.8.2 Downward Modifiers

In particular No. 1 and 5 (i):

- (1) Where a proposal would adversely affect residential living conditions through overlooking, overshadowing or excessive bulk and scale.
- (5)(i) Where a site is located within the designated Coastal Fringe zone (500m following the coastline).

The building heights range from 4 to 7 storeys, the site is located within the designated Coastal fringe Zone. It exceeds the recommended heights in Appendix 9, in particular when downward modifier (5)(i) is applied. I consider the exceedance in terms of storeys proposed to be material.

The 2018 Guidelines on Urban Development and Building Heights seek building heights of at least 3 to 4 storeys in suburban areas. The current proposal has apartment buildings that range in height from 4 to 7 storeys. There is an extant permission on the site (ABP 305843-19) for a development of 4 storeys in height. I consider the exceedance in terms of storeys proposed to be material.

The 2018 Building Height Guidelines provide that permission may be granted for taller buildings where the development management criteria in the guidelines are met, even where specific objectives of the relevant Development Plan or Local Area Plan indicate otherwise. In my opinion the proposed development meets the development management criteria set out in 'Urban Development and Building Height Guidelines for Planning Authorities' issued in 2018 (in particular section 3.2, Specific Planning Policy Requirement 3 and Specific Planning Policy Requirement 4). I have addressed compliance with section 3.2 in section 13.3.1 of this report.

13.12.3 Conclusion

I am of the opinion that given its 'A' zoning, the delivery of residential development on this serviced zoned site would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness. The site is located in an accessible location, served by good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. The proposed development meets or exceeds to requirements set out in the Urban Development and Building Height Guidelines for Planning Authorities, Sustainable Urban Housing: Design Standards for New Apartments and the Sustainable Residential Development in Urban Areas Guidelines.

I am of the view that material contravention is justified in this instance and permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 27, 33 and 35), the 'Dublin Metropolitan Area Strategic Plan', the 'Urban Development and Building Height Guidelines for Planning Authorities' issued in 2018 (in particular section 3.2, Specific Planning Policy Requirement 3 and Specific Planning Policy Requirement 4), 'Sustainable Urban Housing: Design Standards for

New Apartments, Guidelines for Planning Authorities' in 2020) and the 'Guidelines for Sustainable Residential Developments in Urban Areas.

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act (as amended), I consider that a grant of permission, that may be considered to material contravene the Development Plan, would be justified in this instance under sub sections (i) and (iii) of the Act. I refer to Board to the recommended Draft Board Order for their deliberation.

13.13 Chief Executive report

The Chief Executive Report concluded that having regard to the site's location on lands zoned 'A' 'To protect, provide for and/or improve residential amenities' the scale, height and massing of the proposed development, the provision of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, the National Planning Framework, The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (2019-2031) and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018 DoHPLG), it is considered that the proposed development fails to accord with the above policy guidance documents and the proper planning and sustainable development of the area and this Planning Authority recommended that permission be refused for the reason below:

The proposed development, by reason of its height, bulk, scale and massing, fails to have due regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. It will be seriously injurious to the residential amenities of properties location within its immediate vicinity by reasons of its height, bulk, scale and mass and by being visually overbearing. The proposed development is considered contrary to the policies and guidelines of 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.

I have addressed concerns raised by the Planning Authority in my assessment.

The Planning Authority included in section 13 of the Chief Executive Report 'refusal alternative – suggested conditions' and noted that if the Board is minded to grant permission, the Planning Authority included 26 no. recommended conditions that should be added to any grant of permission.

I have examined the conditions, they are mostly standard conditions. Conditions of note include:

Condition No. 2 relating to the reduction in height of Block B by removing one intermittent floor. I do not consider this necessary for reasons set out in my assessment.

Condition No. 3 requirement for pedestrian/cycle links to the west to the provided up to the boundary. This is reasonable.

Condition No. 8 relates to a Tree Bond. This is not required.

Condition No. 7 to 11 are conditions recommended by the Parks and Landscape Services. I consider these to be generally acceptable subject to modifications.

Condition No. 12 includes recommendations by the Drainage Section. I consider these reasonable subject to modifications.

Condition No. 13 to 16 conditions recommended by the Transportation Section. I consider these reasonable subject to modifications.

Condition No. 17 & 18 related to Construction. I consider these reasonable subject to modifications.

For the most part, I agree with the proposed conditions subject to modifications should the Board be minded to grant permission

14.0 Conclusion

In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established urban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a

high quality development, with an appropriate mix of apartment units and an acceptable density of development. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.

I consider the proposal to be generally in compliance with national policy and local policy (apart from the material contravention outlined in section 13.12) together with relevant section 28 ministerial guidelines and would be broadly consistent with the permitted pattern of development in the area, I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

15.0 Recommendation

Having regard to the above assessment, I recommend that section 9(4)(b) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

16.0 Reasons and Considerations

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

- a) The site's location within the administrative area of Dun Laoghaire Rathdown County Council with a zoning objective for residential development;
- b) The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022;
- c) Nature, scale and design of the proposed development;
- d) the planning history relating to the site;
- e) Pattern of existing and permitted development in the area;
- f) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- g) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;

- h) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (and Interim Advice note Covid 19 May 2020).
- i) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage 2020.
- k) The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- l) Submissions and observations received.
- m) The Dun Laoghaire Rathdown Chief Executive Report dated 10th December 2020.
- n) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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

17.0 Recommended Draft 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 16th October 2020 by Downey Planning, on behalf of Randalswood Construction Ltd.

Proposed Development:

Permission for a strategic housing development on lands formerly known as Richmond Cheshire Home, Richmond Park, Monkstown, Co. Dublin.

The development will consist of the demolition of all existing structures on site and the construction of a residential development comprising of 122 no. apartment units (1 no. studio, 57 no. one beds, 58 no. two beds, and 6 no. three beds) within 2 no. blocks (ranging in height from 4-7 storeys over basement), all of which will be provided as follows: Block A containing a total of 58 no. apartments comprising of 31 no. one beds, and 27 no. two beds, in a building 4-5 storeys over basement in height, and all apartments provided with private balconies/terraces; and, Block B containing a total of 64 no. apartments comprising of 1 no. studio, 26 no. one beds, 31 no. two beds, and 6 no. three beds, in a building 5-7 storeys over basement in height, and all apartments provided with private balconies/terraces. The development also includes the construction of a basement providing 122 no. car parking spaces, 246 no. bicycle spaces, 5 no. motorcycle spaces, and a plant room and bin stores. The proposal also incorporates 24 no. bicycle spaces at surface level; 1 no. ESB sub-station; public lighting; boundary treatments; landscaping including play equipment; upgrades to public realm including works to existing road and footpath; future pedestrian access indicated at boundary with Dalguise lands subject to agreement; and all associated engineering and site works necessary to facilitate the development. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dún Laoghaire Rathdown County Development Plan 2016-2022 and the Dún Laoghaire Urban Framework Plan. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

Decision:

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

Matters Considered

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

Reasons and Considerations

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

- a) The site's location within the administrative area of Dun Laoghaire Rathdown County Council with a zoning objective for residential development;
- b) The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022;
- c) Nature, scale and design of the proposed development;
- d) the planning history relating to the site;
- e) Pattern of existing and permitted development in the area;
- f) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- g) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- h) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (and Interim Advice note Covid 19 May 2020).
- i) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage 2020.
- k) The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- l) Submissions and observations received.
- m) The Dun Laoghaire Rathdown Chief Executive Report dated 10th December 2020.

n) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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

Appropriate Assessment

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

Environmental Impact Assessment

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

Having regard to:

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(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 'A' to protect and improve residential amenity' in the Dun Laoghaire County Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan;
- (c) the location and context of the site;
- (d) The existing use on the site and pattern of development in surrounding area;
- (e) The planning history relating to the site
- (f) The availability of mains water and wastewater services to serve the proposed development,
- (g) 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)
- (h) 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),
- (i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP)

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

Conclusions on Proper Planning and Sustainable Development:

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

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Dun Laoghaire Rathdown County Development Plan in relation to building height. 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 County Development Plan would be justified for the following reasons and considerations:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to: the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended); its location along an identified strategic corridor in the Dublin Metropolitan Area Strategic Plan (part of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply 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.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

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 27, 33 and 35), the 'Dublin Metropolitan Area Strategic Plan', the 'Urban Development and Building Height Guidelines for Planning Authorities' issued in 2018 (in particular section 3.2, Specific Planning Policy Requirement 3 and

Specific Planning Policy Requirement 4), 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2020 and the 'Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual' issued in 2009 .

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, or as otherwise stipulated by conditions hereunder, 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. The proposed development shall be amended as follows:
 - (i) The extension of the proposed future pedestrian routes/cyclist permeability links to the Dalguise House & Grounds site right up to the site boundary, provide a gate in the development's proposed inner boundary treatments to allow for the potential future pedestrian/cyclist links.

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

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

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning

Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. 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.

5. 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.

6. Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development:

- (a) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.
- (b) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the Planning Authority for such road works.
- (c) Cycle tracks/paths within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.
- (f) The developer shall carry out a Stage 2 and Stage 3 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the Planning Authority for its written agreement. The developer

shall carry out all agreed recommendations contained in the audits, at the developer's expense.

Reason: In the interests of traffic, cyclist and pedestrian safety.

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall include how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

11. 270 no. bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces 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.

12. Prior to the opening/occupation of the development, a Mobility Management Strategy 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/staff employed in the development and to reduce

and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall 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.

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

13. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

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

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

15. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity

16. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the Planning Authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Arboricultural Assessment Report and accompanying documents. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

17. The mitigation measures outlined in the Ecology Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment and in the interest of wildlife protection.

18. a) Prior to the commencement of development, the developer shall engage the services of an arborist and ecologist to prepare and oversee the measures set out in the Construction Management Plan to protect the Monterey Cypress at the entrance to the site from damage by traffic movements beneath it, including the erection of 'goal posts' and the installation of Cellweb TRP based raised protection system, shall be extended to protect the adjacent deodars as well.
- b) Clearance of vegetation from the development site shall only take place outside the main bird nesting season i.e. in the period from the 1st of September to the end of February.
- c) The mitigation measures outlined in the Bat Survey Assessment report submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.
- d) Details of mammal friendly fencing along the northern boundary to be agreed with the Planning Authority.

Reason: In the interest of Nature Conservation and protection of bird and bat species.

19. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.
- (c) This plan shall provide for screened bin stores, which shall

accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

20.

(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

22. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of

Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

23.

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:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) 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;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) 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;

- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) 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;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority details and methodology for the rock extraction and excavation works. This shall include timeframes and proposals to deal with vibration and noise.
- n) 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.

24.

Site development and building works shall be carried out only between the hours of 070] to 1900 Mondays to Saturdays inclusive, 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.

Prior to the commencement of any works on site, a construction

25. programme of works shall be provided by the developer for the written agreement of the planning authority detailing
- (a) Specification for the retaining wall along the southern boundary

(b) Details of any further site investigation which shall be undertaken on site

(c) Locations of monitoring which shall be undertaken, prior to the commencement of construction until a period of six months after construction is completed

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

26.

Prior to the commencement of development the following shall be carried out and a report submitted to the planning authority for written agreement:

- (i) An Archaeological Impact Assessment shall be complied, the applicant shall engage the services of a suitably qualified Archaeologist to carry out an archaeological assessment of the development site. No sub-surface work shall be undertaken in the absence of the Archaeologist without his/her express consent.
- (ii) The Archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the Archaeologist (licensed under the National Monuments Act 1930-1994), having consulted the site drawings.
- (iii) Having completed the work, the Archaeologist shall submit a written report to the planning authority. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: In the interest of the preservation of archaeological heritage and the proper planning and sustainable development of the area.

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

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

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

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

Reason: In the interest of public health.

29. Prior to the commencement of development the applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement

Reason: in the interest of public health.

30. 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.

31. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and

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

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

32. 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.

Dáire McDevitt.

Planning Inspector
22nd January 2021

Appendix 1

List of documents submitted with the application:

- Completed Application Form
- Public Notices, Copies of Letters to Prescribed Bodies
- Planning Statement
- Statement of Response to An Bord Pleanála Pre-Application Consultation Opinion.
- Material Contravention Statement
- Childcare Provision Assessment Report
- Community & Social Infrastructure Audit
- Part V details
- Daylight & Sunlight Analysis Report
- Photomontages & CGIs
- EIA Screening Report
- AA Screening Report
- Natura Impact Statement.
- Ecological Impact Statement
- Report on Heronry
- Bat Survey Assessment Report
- Archaeological Impact Assessment Report
- Architectural Drawings, plans, maps, etc
- Architectural Urban Design Statement.
- Housing Quality Analysis
- Building Lifecycle Report
- Operational Waste Management Strategy
- Landscape Design Rationale Report
- Landscape Plan, drawings and schedule
- Arboricultural Report
- Tress Removal Plan, Tree Survey & Constraints Plan and Tree Protection Plan
- Irish Water Statement of Design Acceptance, Irish Water CoF Letter (CDS19007825)
- Engineering Drawings and reports, including inter alia:
Ground Floor surface water & foul water drainage plan, Basement & Green Roof Drainage Plan, Proposed Watermain Plan,
Predicted Flood Extents & Predicted Flood Events and alleviation measures applied at culvert, enabling works plans & details, Flood Risk Assessment Report, Stradbroke Stream Flood Study Report
Quality Audit Plan, Autor tracking analysis and details, DMURS Compliance Statement, Quality Audit Report, Traffic & Transport Assessment Report, Mobility Management Plan Report
Construction Management Plan, Construction & Demolition Waste Management Plan.
- Public Lighting Plan, PL Design Calculations Report, Mechanical & Electrical Energy Report.

Appendix 2: Summary of Observer Submissions:

There are a number of overlapping comments in the observer submissions. They have been summarised under the following headings to reduce repetition. A Summary of which is included in the main body of the report. A number of submissions support the submission prepared by Mr & Mrs Sheppard, and those of various Resident Associations. A number of templates are also noted.

Planning History.

- Reference to previous ABP decision to refuse pp for 70 no. residential units in 2017 (PA Ref. D16A/0678 (ABP PL.06D.247679). The Inspectors report is considered to be still relevant. Current proposal has not addressed the reasons for refusal.

Developable Site Area & Density

- Site area is stated to be 0.95ha, this includes the road (legally owned by the applicant but beneficially used by other developments, including a RoW to Richmond Park). Therefore the actual 'developable' area is 0.7ha, this is further impacted by the presence of a stream along the northern boundary and the sliver of land to the north of the stream is inaccessible and unusable. All in all the reasonable developable area is c.0.57ha. The inclusion of the road in the site boundaries was raised previously under PL.06.247679.
- Implications for density, the true proposed density is therefore 234uph.
- Even if the site area of 0.95ha is used, the resulting density of 128uph is excessive for the area.
- Density does not comply with the Development Plan.
- The adjoining Dalguise development, in a parkland setting, has a density of 82 uph. The current proposal is three times this density on a restricted backland infill site.
- Density materially contravenes policy RES3 and section 8.2.3.2 of the Development Plan.
- No objection to the development of apartments on site. The concern is the density and height of the current proposal.
- C.69% increase in density from that permitted on site.
- Density of 230uph is suitable for inner city/dockland locations, not a suburban location adjoining an Architectural Conservation Area.
- If the two landscape buffers (0.165 to south and 0.13 to south) are excluded and the public road, then the developable area is 0.53ha.

Height /Design/Layout

- The development is within 500m of the coast and therefore would constitute a material contravention of DLRCC Coastal Plan, the increase from 3 to 7 storeys is not a minor modification and ABP can only overrule the material contravention if it constitutes a 'minor modification.'
- Unacceptable height.
- Ad hoc approach to height undermines a Plan led Strategy.
- The permitted ridge height (Ref. D17A/0590 (ABP 301533-18)) is 12.5. Current proposal is 38.9m
- The Council's downward modifiers (coastal fringe) apply to this development.

- Most the county's outstanding architecture is located along the coast, in particular Monkstown, Dun Laoghaire, Blackrock, Booterstown.
- The mass and scale of the 4 to 7 storey blocks are excessive and visually overbearing.
- C.53% of units on Block A are single aspect. The minor corner window opening to 21 units in Block A & VB are not deemed dual aspect.
- Blocks are located too close to the southern boundary.
- Unit Mix does not encourage families
- Adverse impact of excessive massing, scale, height and increased development footprint.
- No quality open space is provided.
- Excessive plot ratio (site coverage of 40% in the context of a developable area of c.0.57ha). Plot ratio of 2.6.
- Inadequate pre consultation response to height and visualisations.

Cheshire Home:

- The demolition of the Cheshire Home has not been justified. The SHD application should not rely on previous permissions that included its demolition.
- The Material Contravention does not include the demolition of the former Cheshire Home buildings, in particular AR5. Therefore this invalidates the Public Notices and documentation.
- The application fails to address/justify the loss of Cheshire Homes, and the loss of existing social infrastructure. The history of the home is set out in detail of a number of submissions.
- Disingenuous to rely on a creche at the development proposed for Dalguise as this is the subject of Judicial Review.

Impact on Monkstown village:

- The proposal would result in a large volume building which will overwhelm the adjacent homes and a Victorian low lying villages and its Churches in scale and volume.
- Lack of sufficient infrastructure and services to support the increased population of Monkstown.
- A low rise building would be more appropriate for this location.
- Visual impact on the village is unacceptable.
- Height are completely out of proportion with the surrounding area and existing infill developments (Purbeck Lodge, Southdene, the Orchard, etc).
- Monkstown village is an ACA and the proposed development is not in keeping with its environs.
- The additional traffic would have a significant bearing on the area and the marine amenity of the West Pier and seafront.
- The cumulative impact (with Dalguise lands) will put severe pressure on services, infrastructure and roads. It will be to the detriment of everyone.
- Design, scale and massing does not respect the Architectural heritage and built environment of Monkstown.

Impact on adjoining/adjacent properties:

- Loss of light.
- The development will materially impact on the amenity of adjoining properties.
- Overlooking.
- Implications for private property

- Impact on Built Environment and Heritage.
- Overshadowing.
- Would prejudice the potential redevelopment of No. 81A Monkstown Road to the north.
- The negative impact on the residential amenities of adjoining properties is a material contravention of the 'A' Land Use zoning, therefore the Board has no authority to grant permission.
- A walkway link to Dalguise would significantly increase footfall on the access road/lane.
- The proposed increase in population arising from the proposed development and that of the adjoining Dalguise site will diminish considerable the quality of life for all residents of Monkstown village.
- Loss of screening
- Walkway linking to Dalguise will have a negative impact on the stream.
- The removal of a vegetated slopping back and its replacement with a 13m high retaining wall is not acceptable, would resemble a prison wall.
- Loss of trees is a loss of visual amenity.

Excavation/Groundworks/Retaining wall:

- Impact on exaction works and retaining wall on the residents of Richmond Park.
- The extent of engineering works proposed (c.5m from No 13 -18A) raises significant concerns. Hammer Sheet piling, vibration extraction of temporary sheet pies, drilling of scant pile walls, drilling of anchors for laker props etc. The temporary propping with flying shores for the retaining wall c. 13m high. The stability of Richmond Park houses will be at risk throughout these complex civil engineering works.
- Query if retaining wall can be constructed, lack of surveys and site investigation.
- Concerns regarding subsidence and structural damage to houses to the south.
- Vibrations, noise, dust, traffic
- Enabling works require significant ground works and intervention.
- No record of site investigations to ascertain the level of rock
- Risk of long drawn out litigation regarding damage to properties.
- Extent of excavation resembles a quarry.
- Impact on Richmond Green residents (traffic, noise, vibrations, dust, etc)
- Permission should be refused on the grounds of lack of site investigation, information and CMP and CDWP.
- Amount of excavated material to be removed from the site is excessive (c.15,500m³), this equates to c.1750 truck loads (3500 truck movements). In addition there will be truck delivering materials, etc

Traffic & Transportation

- Traffic associated with the development would exacerbate existing congestion
- The opening of the access route onto the Monkstown Road is not acceptable.
- Traffic impacts from construction phase right through to the occupation of the apartments.
- Traffic survey undertaken during a quiet time so give a false sense of the existing situation. And pre-dates that changes made to introduce cycle lanes.
- The proposal will result in an significant increase in parking and traffic movements.
- The traffic analysis does not consider the cumulative impact of the development with the adjoining Dalguise development. Nor has it considered the Covid mobility

changes introduced by DLCC in July 2020, where all traffic must now travel through Monkstown village (for the City/Blackrock).

- Dart at present is at 25% capacity (covid).
- Overflow parking a concern.
- Traffic hazard
- Traffic safety
- Lack of continuous safe pedestrian access to Carrickbrennan Road.
- Limited Auto Track Analysis
- Proposed realignments along the access road will restrict access/egress to Richmond Green. Loss of parking spaces for No. 5 & 6 Richmond Green.
- It has not been demonstrated that the proposal complies with DMURS.
- Query access for emergency vehicles.
- Lack of detailed drawings for access road junction and crossing of widened pedestrian path, bollards restricting access/egress to single vehicle width, line of sight restrictions at acute bend in Carrickbrennan Road is further complicated by slip roadway access to parking spaces in front of shop.
- Lack of turning areas for commercial vehicles.
- Richmond Green has a RoW.

Drainage:

- Lack of capacity for sewerage and wastewater at the West Harbour Pumping Station and impacts on current residents.
- Incidents of blockages and bad odours.
- Overflow at Seapoint and hazardous to swimmers, fish and wildlife.
- Regarding raw sewage discharges into Dublin Bay at Monkstown. It is advised that a) an application for Judicial Review shall be forthcoming if permission is granted, b) a formal complaint against any national authority involved in the proliferating the serious environmental problem the ECJ, c) publication of expert opinion as to the precise health risks involved, including but not limited to, any potential transmission risk in sea water of the Covid 19 virus from human faeces and d) current unsatisfactory condition of sewage pipe outfall to be used by both the granted Dalguise (currently under JR) and the proposed increased density adjoining Cheshire Home.
- No further intensification should be permitted until the serious health risk area fully understood and the local and city sewerage handling infrastructure can handle all new sewerage without discharge into Dublin Bay. The Poolbeg plant is projected by Irish Water to be c.2025.

Flooding

- No SSFRA has been submitted. This was required for the adjoining Dalguise site due to concerns relating to flooding.
- It was concluded that the site will not be subject to flooding, the risk of flooding downstream has not been adequately considered.
- Since 1992 numerous trees have collapsed on the northern boundary falling across the tree and causing damage to neighbouring fences.
- There is inadequate documentation to make a considered evaluation of the Flood risk issue in the context of surrounding development potential and consequent risk.
- History of flooding. 11th November 2020, flooding in Monkstown village.
- The consultants report refers to a shopping centre. There was never a shopping centre on this site.

Ecology/Biodiversity/Wildlife/Trees:

- The proposal results in a radical change to the woodland and habitats which are all in boundary areas, and mostly on the northern and western boundaries of the site. In particular the removal of 25% of the 112 medium and low quality trees and value trees on the site, 55% of the groups of trees and 100% of the woodland will effectively remove the existing wildlife habitats.
- The scale of the excavation required for the construction of the basement carpark will result in the obliteration of the entire wildlife in and around the site despite the so called mitigation in place.
- Unacceptable risk to the integrity of the Stradbrook stream which is a true wild arterial route for mammals.
- Query the findings and conclusions of the EIA Screening report.
- The development will be catastrophic for the birds, bats and mammals who have been happily living in the narrow habitats on the Richmond Cheshire property for decades.
- The Ecological Impact Statement recognises the embankment to the south of the site is an 'ecological corridor for birds, invertebrates and foraging bats' which 'will be lost if the development is to proceed'. There is no discussion about the fact that this habitat together with the trees and woodland on the adjacent Dalguise site probably constitutes the largest Heronry and Egret breeding site on the south coast of Dublin Bay.
- Query the completeness of the Arboricultural report.
- Independent and comprehensive surveys should be carried out by An Bord Pleanála to assess the potential impacts.
- The site notice is only 250m from the SAC.
- The EPA have flagged the inadequacies to Irish Water, the media and the Irish Public. The blockages and discharges are in breach of Ireland's obligations under EU Directives.
- Loss of wildlife habitats.
- Appropriate Assessment Screening queried and lack of mitigation measures to address potential run off from the development into the Stradbrook Stream.
- Bird & Bat survey results queried and considered incomplete.
- Detrimental and unsuitable development that results in deep excavations, development of a wooded area and a large scale development horned into a small site.
- The combined impact with the Dalguise development will eradicate an important Heronry through the unnecessary removal of extensive number of trees.
- Already objected to the Dalguise development and the same issues arise here. Allowing a similar development adjacent to Dalguise simply amplifies and extends all issues and problems which will be manifested on that site.
- The impacts of the proposed development are not acceptable on the grounds of environment and ecology immediate impact on Monkstown village, its residents, businesses and owners and visitors and specifically with that the outlook for wastewater and sewerage and the outlook for traffic.
- Uncertainty regarding mitigation measures for the Heronry.

- A railing is proposed directly beside the stream as there is a steep incline. This results in a substandard approach to open space design and undermines the integrating of natural biodiversity and ecology within the planned layout.
- An EIA should be provided give the proposed developments and reduction in gardens from both the current site and the adjoining Dalguise one. The screening report does not take into account the Dalguise site.
- Noise and excessive artificial light will impact on the Heron colony.
- Impact on Natura 2000 site. Grey Herons from South Dublin Bay SAC use the site for roosting. Impact on herons has been overlooked in the NIS.
- The proposed flood relief works at the culvert over the stream are very close to the Monterey Cypress and likely to damage the root system with consequent negative effects on the tree and heronry.
- Reference to a wildlife survey conducted in Richmond Park in 2014 and 2015 where 26 species of bird were recorded.
- Foxes, Bats and hedgehogs have been observed in the vicinity.
- The Construction Management Plan is based on inadequate information.
- EIA Screening report is incorrect.
- Object to the removal of trees.

Material Contravention & Newspaper Notice:

- The Notices do not refer to all the Material Contraventions (demolition of structures, creche, density, height, etc), therefore is invalid. The Board is not in a position to grant permission for permission where the public notices in regard to the material contravention of the Development Plan is inadequate, Reference to Stoneyford Green Residents v An Bord Pleanála and Davey Target Investments where the applicant had failed to adequately describe the material contravention of the development plan in the public notices.
- Notwithstanding that the notices refer to material contravention of the Development Plan, the extent and number of issues which contravene the plan and the interrelated defects in the Material Contravention Statement is such that the public could not be aware of these issues. If the Board were to consider a grant of permission in these circumstances then the public notice would also be deficient and inadequate.

Legal Issues/Ownership

- A section of footpath in third party ownership is included within the application site boundaries outlined in red. No consent has been given for their inclusion. The applicant has no right to use these lands as part of their proposed plans.
- Palma Management Company Ltd (Richmond Green) formally notify that they will not accept any liability with regard to the roadway (access road off Carrickbrennan Road) in the event of a future accident.
- Public liability issues (pedestrian, cyclist, etc).
- It is not a private road. Letter enclosed from DLRCC Transportation Department dated 9th May 2016 noting that the roads (from Cheshire Homes to Carrickbrennan Road) are in the charge of the County Council.

Social Infrastructure

- Failure to provide a crèche materially contravenes the Development Plan policy and National Government policy.
- No justification for the omission of a creche.
- Insufficient amenities proposed for young families in the proposed development. There is no park, playground, sports facilities etc in Monkstown.
- Schools and childcare in the area are at capacity.
- Low quality development, poor open space provision.

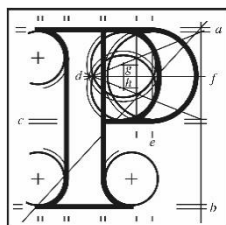
Other:

- Negative impact on property values in the area
- Financial Viability (will they be for sale or rented by an international investment fund?)
- The Home is currently used by the Peter McVerry Trust. The improvement and expansion of this services in an appropriate setting would be a more appropriate use for this site. It would also be a more effective way of addressing the housing and homelessness crisis.
- Lack of democratic involvement in the SHD process.
- Lack of public participation in the SHD process.
- SHD process is not fit for purpose.
- Validity of the site notices queried (signature obscuring date of erection)
- Permission should be refused.

Covid 19:

- The benefits of small units and the density of occupation on a very tight and restricted site is questionable in the new Covid 19 world.
- Lack of public participation.
- Level 5 restrictions has further impacted on the ability to participate in the SHD process.
- People in the area were unable of the current application and that of Dalguise due to restrictions associated with Covid 19 regarding leaving home.

Appendix 3: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP 308342-20
Development Summary		Demolition of former Nursing Home & 5 no. associated studio apartments and construction of 122 apartments in 2 no. blocks, works to access road, retaining wall, and all associated site works.
	Yes / No / N/A	-
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Natura Impact Statement (NIS) was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2016-2022.
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units on lands zoned 'A ' and is in keeping with the residential development (existing and permitted) in the vicinity.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal includes construction of a residential development (apartments) which is not considered to be out of character with the pattern of development in the surrounding town.	No

<p>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?</p>	<p>Yes</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>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?</p>	<p>Yes</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 Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</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>No</p>

<p>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?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. While there is a direct connection to Dublin Bay via the Stradbrook Stream appropriate Suds proposals are set out. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</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>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</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>No</p>

1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	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.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in an increase in residential units of 122 no. units.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Stand alone development, with developments in the immediately surrounding area permitted or built.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 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 	No	No conservation sites located on the site. A NIS was submitted with the application as the AA Screening report concluded that mitigation measures were required. This has been addressed in Section 12 of the Report. The measures in question are not 'mitigation' measures for the purposes of Appropriate Assessment. I carried out a Stage AA Screening and concluded no significant adverse impact on any European Sites and a Stage 2 NIS was not required.	No

<p>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?</p>	<p>No</p>	<p>A Heronry is identified on adjoining lands and are know to roost in the immediate vicinity (Monterey Cypress on the access cul-de-sac). The EclA has set out mitigation measures for Heron and Bats.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>A portion of the entrance road (cul-de-sac) is located within Monkstown ACA. No works are proposed that would have a detrimental impact on the ACA or nearby Protected Structures.</p>	<p>No</p>
<p>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?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>
<p>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?</p>	<p>No</p>	<p>The site is bounded by the Stradbrook stream and a Flood Hot Spot is identified to the east of the site. The development will implement SUDS measures to control surface water runoff. The site is not at risk of flooding.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</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>Excavation works and the construction of a retaining wall along the southern boundary will be subject to best practice.</p>	<p>No</p>

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?	No	The site is served by a local urban road network .	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There is no existing sensitive land uses or substantial community uses which could be affected by the project.	No

3. Any other factors that should be considered which could lead to environmental impacts

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

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

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 'A' to protect and improve residential amenity' in the Dun Laoghaire County Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan;
- c) the location and context of the site;
- d) The existing use on the site and pattern of development in surrounding area;
- e) The planning history relating to the site
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) 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)
- h) 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),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP)

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: _____ **Daire McDevitt**

Date: 22/1/2021